

**TUESDAY, MAY 4, 2021**

**THIRTY-THIRD LEGISLATIVE DAY**

The House met at 9:00 a.m. and was called to order by Mr. Speaker Sexton.

The proceedings were opened with prayer by Mike Segars, Inskip Baptist Church, Knoxville, TN.

Representative Mannis led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present..... 89

Representatives present were Alexander, Baum, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Terry, Thompson, Todd, Towns, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton -- 89

**EXCUSED**

The Speaker announced that the following members have been excused, pursuant to requests under **Rule No. 20**:

Representative Byrd; illness

Representative Carter; illness

Representative Cooper; illness

Representative Hulsey; personal

Representative Griffey

**PRESENT IN CHAMBER**

Reps. Cochran, Beck, Lamar and Stewart were recorded as being present in the Chamber.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Resolution No. 98** Rep. Littleton as prime sponsor.

**House Joint Resolution No. 574** Rep. Rudder as prime sponsor.

**House Joint Resolution No. 575** Rep. Rudder as prime sponsor.

**House Joint Resolution No. 610** Rep. Clemmons as prime sponsor.

**House Joint Resolution No. 611** Rep. Clemmons as prime sponsor.

**House Joint Resolution No. 612** Reps. Stewart, Mitchell, Beck, Dixie, Freeman, Clemmons and Jernigan as prime sponsors.

**House Joint Resolution No. 613** Rep. Leatherwood as prime sponsor.

**House Joint Resolution No. 614** Rep. Leatherwood as prime sponsor.

**House Joint Resolution No. 619** Reps. Littleton, Rudder and Whitson as prime sponsors.

**House Joint Resolution No. 623** Rep. Faison as prime sponsor.

**House Joint Resolution No. 633** Reps. Gant, Shaw and Moody as prime sponsors.

**House Bill No. 6** Reps. Hardaway, Smith, Todd, Miller, Littleton, White, Powers, Moody and Helton as prime sponsors.

**House Bill No. 9** Reps. Ramsey, Moody, Faison, Howell, Smith, Helton, Todd and Curcio as prime sponsors.

**House Bill No. 22** Reps. Todd, Freeman, Whitson, Williams, Jernigan, Carr, Eldridge, Marsh and Helton as prime sponsors.

**House Bill No. 130** Reps. Russell, Moon, Ogles, G. Hicks, Wright, Towns, Hardaway, Garrett, Chism, Zachary, Bricken, Calfee, Leatherwood, Sherrell, Windle, Kumar, Smith, Moody, Doggett, Todd, Thompson, Eldridge, Helton, Cepicky, Alexander, Keisling, Hurt, Carringer, Hakeem, Beck, Boyd, Farmer, Warner, Williams, Baum, Gant, Miller, T. Hicks, Camper, Powers, G. Johnson, Sparks, Crawford, Lafferty, Marsh, Lynn, Love, Clemmons, Dixie and Mannis as prime sponsors.

**House Bill No. 139** Rep. Littleton as prime sponsor.

**House Bill No. 226** Rep. Smith as prime sponsor.

**House Bill No. 357** Rep. Haston as prime sponsor.

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**House Bill No. 417** Reps. Hardaway, Smith, Moody, Helton, Todd, Howell, Whitson and Eldridge as prime sponsors.

**House Bill No. 419** Reps. Sherrell, Parkinson, Doggett, Todd, Eldridge, Powers and Helton as prime sponsors.

**House Bill No. 427** Reps. Hardaway, Smith, Helton and Jernigan as prime sponsors.

**House Bill No. 430** Reps. Hardaway, Reedy, Smith, Todd, Moody, Mannis, Doggett, Cepicky and Terry as prime sponsors.

**House Bill No. 443** Reps. Hardaway, G. Hicks, Ogles, Smith, Moody, Todd, Love, Helton, Thompson, Terry, Howell, Gant, Alexander, Freeman and Hurt as prime sponsors.

**House Bill No. 580** Reps. Ogles and Lynn as prime sponsors.

**House Bill No. 656** Rep. Camper as prime sponsor.

**House Bill No. 718** Reps. Hardaway, Moon, Faison, Ogles, Stewart, Wright, Camper, Reedy, Todd, Doggett, Hawk, Mannis, Alexander, Powers, Lynn, Carr, White, Rudder and Whitson as prime sponsors.

**House Bill No. 744** Reps. Hardaway, Sherrell, Doggett, Helton, Moody, Powers, Smith, Beck and Love as prime sponsors.

**House Bill No. 761** Reps. G. Hicks, Reedy, Todd, Cepicky, Gant, Howell, Hurt, Keisling and Rudder as prime sponsors.

**House Bill No. 780** Reps. Todd and Smith as prime sponsors.

**House Bill No. 865** Reps. Sherrell, Ogles, Bricken, Rudder, Todd, Cepicky, Smith, Crawford, Doggett and Carringer as prime sponsors.

**House Bill No. 869** Reps. Cochran, Grills, Hall, Eldridge, Reedy, Smith, Todd, Doggett, Helton, Cepicky, Terry and Littleton as prime sponsors.

**House Bill No. 904** Reps. Hardaway, Moon, Moody, Todd, Hazlewood and Howell as prime sponsors.

**House Bill No. 910** Reps. Sherrell, Russell, Moody and White as prime sponsors.

**House Bill No. 948** Reps. Reedy, Todd and Howell as prime sponsors.

**House Bill No. 975** Reps. Camper and Love as prime sponsors.

**House Bill No. 1039** Reps. Eldridge, Grills, Hall, J. Sexton, Zachary, Hurt, Ogles, Bricken, Smith, Reedy, Helton, White, Todd, Littleton, Alexander, Marsh, Weaver, Gillespie and Mannis as prime sponsors.

**House Bill No. 1047** Reps. Sherrell, Hardaway, Reedy, Smith, Todd, Littleton, Jernigan, Terry and Whitson as prime sponsors.

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**House Bill No. 1080** Reps. Sherrell and Smith as prime sponsors.

**House Bill No. 1102** Rep. Lamar as prime sponsor.

**House Bill No. 1121** Reps. Hardaway, Ogles, Carr, Whitson, Howell, Moody, Littleton, Crawford and Alexander as prime sponsors.

**House Bill No. 1132** Reps. Carr, Powers and White as prime sponsors.

**House Bill No. 1246** Reps. Hardaway, Thompson and Todd as prime sponsors.

**House Bill No. 1267** Reps. Jernigan and Powell as prime sponsors.

**House Bill No. 1339** Reps. Hardaway, Littleton, Alexander and Cepicky as prime sponsors.

**House Bill No. 1383** Reps. Russell, Ogles, Moon, Halford, Windle, Sherrell, Smith, Moody, Hawk, Doggett, Marsh, Crawford, Howell, Littleton, Carringer, Hurt, Lynn, Haston, Warner, White, Helton, Freeman, Terry, Powers, Powell, Lafferty, Keisling and Love as prime sponsors.

**House Bill No. 1389** Reps. Reedy and Hurt as prime sponsors.

**House Bill No. 1398** Reps. White, Marsh, Carr, Gant, Keisling, G. Johnson, Lamberth, Todd, Miller and Camper as prime sponsors.

**House Bill No. 1501** Reps. Todd, Smith and Howell as prime sponsors.

**House Bill No. 1509** Reps. Hardaway, Stewart, Dixie, Camper and Clemmons as prime sponsors.

**House Bill No. 1522** Reps. Smith, Todd, Lynn, Camper, Cepicky and Farmer as prime sponsors.

**House Bill No. 1534** Reps. Reedy, Todd, Moody and Powers as prime sponsors.

**House Bill No. 1593** Reps. Hardaway, Stewart, Lamar, Thompson, Love, McKenzie, Clemmons and Mannis as prime sponsors.

### **SPONSORS WITHDRAWN**

On Motion, Reps. Mannis and Whitson withdrew as sponsors of **House Bill No. 580**.

**TUESDAY, MAY 4, 2021 – THIRTY-THIRD LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE  
May 4, 2021**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 298; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**\*Senate Bill No. 298** -- Medical Occupations - As introduced, reduces, from 15 to 10, the number of days that the comptroller has to determine if certain financing agreements to fund a medical school under the Medical School Authorities Act are in compliance with the guidelines, rules, and regulations of the state funding board. - Amends TCA Title 7; Title 33; Title 49; Title 63 and Title 68. by \*Briggs, \*Stevens. (HB443 by \*Vaughan, \*Gillespie, \*Williams, \*Hazlewood, \*Hardaway, \*Hicks G, \*Ogles, \*Smith, \*Moody, \*Todd, \*Love, \*Helton, \*Thompson, \*Terry, \*Howell, \*Gant, \*Alexander, \*Freeman, \*Hurt)

**MESSAGE FROM THE SENATE  
May 4, 2021**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 122; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**\*Senate Bill No. 122** -- Education - As introduced, enacts the "School Turnaround Pilot Program Act," which requires the department of education to develop and implement a five-year school turnaround pilot program for schools identified as in need of intervention. - Amends TCA Title 49, Chapter 1 and Title 49, Chapter 6. by \*Haile. (HB1501 by \*Cochran, \*White, \*Todd, \*Smith, \*Howell)

**MESSAGE FROM THE SENATE  
May 4, 2021**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 722; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

**\*Senate Joint Resolution No. 722** -- Memorials, Sports - Hendersonville High School cheerleading team, UCA national champions. by \*Haile.

**MESSAGE FROM THE SENATE  
May 4, 2021**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 114; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

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**Senate Bill No. 114** -- Intellectual & Developmental Disabilities, Dept. of - As introduced, requires the department to increase over a three-year period the wage for direct care professionals employed by contracted agencies of the department to \$15 per hour; requires annual increases in the hourly wage thereafter. - Amends TCA Title 33. by \*Gardenhire, \*Jackson, \*Hensley, \*Bell, \*Kelsey, \*Kyle, \*Massey, \*Walley, \*Briggs, \*Campbell, \*White, \*Yager. (\*HB130 by \*Hazlewood, \*White, \*Shaw, \*Curcio, \*Whitson, \*Hawk, \*Haston, \*Jernigan, \*Howell, \*Hodges, \*Littleton, \*Powell, \*Hall, \*Gillespie, \*Ramsey, \*Parkinson, \*Rudder, \*Freeman, \*Faison, \*Lamberth, \*Russell, \*Moon, \*Ogles, \*Hicks G, \*Wright, \*Towns, \*Hardaway, \*Garrett, \*Chism, \*Zachary, \*Bricken, \*Calfee, \*Leatherwood, \*Sherrell, \*Windle, \*Kumar, \*Smith, \*Moody, \*Doggett, \*Todd, \*Thompson, \*Eldridge, \*Helton, \*Cepicky, \*Alexander, \*Keisling, \*Hurt, \*Carringer, \*Hakeem, \*Beck, \*Boyd, \*Farmer, \*Warner, \*Williams, \*Baum, \*Gant, \*Miller, \*Hicks T, \*Camper, \*Powers, \*Johnson G, \*Sparks, \*Crawford, \*Lafferty, \*Marsh, \*Lynn, \*Love, \*Clemmons, \*Dixie, \*Mannis)

**MESSAGE FROM THE SENATE  
May 4, 2021**

MR. SPEAKER: I am directed to return to the House, House Bill No. 1171; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE  
May 4, 2021**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 692, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 711, 712, 713, 714, 716, 717, 718, 719, 720 and 721; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

**\*Senate Joint Resolution No. 692** -- Memorials, Death - Mia LaDonna Myles. by \*Jackson.

**\*Senate Joint Resolution No. 695** -- Memorials, Death - Dorsey Ann Lunsford Lazenby. by \*Walley.

**\*Senate Joint Resolution No. 696** -- Memorials, Recognition - First Baptist Church of Lebanon, 200th anniversary. by \*Pody.

**\*Senate Joint Resolution No. 697** -- Memorials, Personal Occasion - Jerry Clark, 80th birthday. by \*Crowe.

**\*Senate Joint Resolution No. 698** -- Memorials, Academic Achievement - Angelina Singvarapu, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 699** -- Memorials, Academic Achievement - Gibson Young, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 700** -- Memorials, Academic Achievement - Kendall Thirakul, Valedictorian, Oakland High School. by \*Reeves.

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**\*Senate Joint Resolution No. 701** -- Memorials, Academic Achievement - Samuel Smith, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 702** -- Memorials, Academic Achievement - Samuel Schmahl, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 703** -- Memorials, Academic Achievement - Elijah Oliver, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 704** -- Memorials, Academic Achievement - Breanna King, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 705** -- Memorials, Academic Achievement - Julia Jenkins, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 706** -- Memorials, Academic Achievement - Constantia Georgiou, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 707** -- Memorials, Academic Achievement - Lainey Callis, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 708** -- Memorials, Academic Achievement - Lily Anderson, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 709** -- Memorials, Personal Achievement - Gabriella Marie Kowalski, Eagle Scout. by \*Powers.

**\*Senate Joint Resolution No. 711** -- Memorials, Death - Shirley Ann Cothran. by \*Yarbro.

**\*Senate Joint Resolution No. 712** -- Memorials, Recognition - Kaden Robinson, 2021 Boys & Girls Clubs in Tennessee State Youth of the Year. by \*Briggs.

**\*Senate Joint Resolution No. 713** -- Memorials, Recognition - Hamblen County, 150th anniversary. by \*Southerland.

**\*Senate Joint Resolution No. 714** -- Memorials, Academic Achievement - Alexander Covie Haynes. by \*Johnson.

**\*Senate Joint Resolution No. 716** -- Memorials, Academic Achievement - Joshua Bishop Chapman, Valedictorian, Webb School of Knoxville. by \*Massey.

**\*Senate Joint Resolution No. 717** -- Memorials, Academic Achievement - Luke Crawford Hovis, Salutatorian, Webb School of Knoxville. by \*Massey.

**\*Senate Joint Resolution No. 718** -- Memorials, Academic Achievement - Abigayle Smith, Valedictorian, Middleton High School. by \*Walley.

**\*Senate Joint Resolution No. 719** -- Memorials, Academic Achievement - Ian Howell, Salutatorian, Middleton High School. by \*Walley.

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**\*Senate Joint Resolution No. 720** -- Memorials, Professional Achievement - Britney Gulley, 2021 DeKalb Teacher of the Year. by \*Pody.

**\*Senate Joint Resolution No. 721** -- Memorials, Retirement - Dr. Tim Cross. by \*Southerland.

**MESSAGE FROM THE SENATE  
May 4, 2021**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 136, 707, 1185 and 1338; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**\*Senate Bill No. 136** -- Human Rights - As introduced, enacts the "CROWN Act: Create a Respectful and Open World for Natural Hair" to define race and protective hairstyle for purposes of the Tennessee Human Rights Act. - Amends TCA Title 4, Chapter 21; Title 8; Title 49 and Title 50. by \*Akbari, \*Gilmore, \*Campbell, \*Robinson. (HB204 by \*Camper)

**\*Senate Bill No. 707** -- Expunction - As introduced, extends eligibility for expunction to a person convicted of assault and a person whose criminal conviction was eligible for judicial diversion at the time of sentencing. - Amends TCA Section 40-32-101 and Section 40-35-313. by \*Walley, \*Gilmore, \*Campbell, \*Yarbro. (HB1102 by \*Shaw, \*Hardaway, \*Dixie, \*McKenzie, \*Chism, \*Parkinson, \*Cooper, \*Lamar)

**\*Senate Bill No. 1185** -- Pensions and Retirement Benefits - As introduced, requires board of trustees for the Tennessee consolidated retirement system to prepare and submit a report to the council on pensions and insurance as to the number of members retired by the board of trustees on a disability retirement allowance and whose disability determination resulted from their service as law enforcement officers. - Amends TCA Title 4, Chapter 7; Title 8, Chapter 25; Title 8, Chapter 34; Title 8, Chapter 35; Title 8, Chapter 36 and Title 8, Chapter 37. by \*Jackson, \*Pody. (HB1383 by \*Todd, \*Russell, \*Ogles, \*Moon, \*Halford, \*Windle, \*Sherrell, \*Smith, \*Moody, \*Hawk, \*Doggett, \*Marsh, \*Crawford, \*Howell, \*Littleton, \*Carringer, \*Hurt, \*Lynn, \*Haston, \*Warner, \*White, \*Helton, \*Freeman, \*Terry, \*Powers, \*Powell, \*Lafferty, \*Keisling, \*Love)

**Senate Bill No. 1338** -- Education, State Board of - As introduced, requires the board to determine the percentage of any increase in funds appropriated to the instructional salaries and wages component of the basic education program (BEP) and increase the minimum salary on the state salary schedule by that percentage. - Amends TCA Title 49. by \*Hensley, \*Yager, \*Massey, \*Pody. (\*HB865 by \*Haston, \*Weaver, \*Hurt, \*Keisling, \*Windle, \*Darby, \*Moon, \*Sparks, \*Sherrell, \*Ogles, \*Bricken, \*Rudder, \*Todd, \*Cepicky, \*Smith, \*Crawford, \*Doggett, \*Carringer)



**TUESDAY, MAY 4, 2021 – THIRTY-THIRD LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE  
May 4, 2021**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 242, 715, 729 and 743; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

**\*Senate Joint Resolution No. 242** -- Memorials, Recognition - July 3, 2021, Indian Christian Day (Yeshu Bhakti Divas). by \*Reeves.

**\*Senate Joint Resolution No. 715** -- Memorials, Recognition - Warren County Emergency Medical Services. by \*Bowling.

**\*Senate Joint Resolution No. 729** -- Memorials, Recognition - National HealthCare Corporation, 50th anniversary. by \*White, \*Reeves.

**\*Senate Joint Resolution No. 743** -- Memorials, Death - Dr. Matthew Walker III. by \*Gilmore, \*Yarbro.

**MESSAGE FROM THE SENATE  
May 4, 2021**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 242; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**\*Senate Bill No. 242** -- Public Utility Commission - As introduced, extends the time period the general assembly has to confirm an appointment to the commission from 30 days to 90 days. - Amends TCA Title 65, Chapter 1 and Title 65, Chapter 2. by \*Roberts. (HB1044 by \*Hall, \*Todd, \*Williams)

**MESSAGE FROM THE SENATE  
May 4, 2021**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 1530; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Bill No. 1530** -- Child Abuse - As introduced, adds to the definition of "severe child abuse" the act of knowingly or with negligence allowing a child to be within a structure where a Schedule I or II controlled substance is present and accessible to the child. - Amends TCA Title 37. by \*Roberts. (\*HB417 by \*Littleton, \*Griffey, \*Hardaway, \*Smith, \*Moody, \*Helton, \*Todd, \*Howell, \*Whitson, \*Eldridge)

**TUESDAY, MAY 4, 2021 – THIRTY-THIRD LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE  
May 4, 2021**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 1521; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Bill No. 1521** -- Education, Higher - As introduced, enacts the "Students Right to Know Act." - Amends TCA Title 49, Chapter 7. by \*Roberts. (\*HB1246 by \*Calfee, \*Ragan, \*Parkinson, \*Hazlewood, \*Hardaway, \*Thompson, \*Todd)

**MESSAGE FROM THE SENATE  
May 4, 2021**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 12; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Bill No. 12** -- Professions and Occupations - As introduced, repeals the Locksmith Licensing Act of 2006. - Amends TCA Title 62, Chapter 11; Title 62, Chapter 35 and Title 62, Chapter 76. by \*Bowling, \*Gardenhire. (\*HB9 by \*Reedy, \*Whitson, \*Ramsey, \*Moody, \*Faison, \*Howell)

**MESSAGE FROM THE SENATE  
May 4, 2021**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 551; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**\*Senate Bill No. 551** -- Taxes, Sales - As introduced, exempts from sales tax purchases of gun safes and gun safety devices. - Amends TCA Title 67, Chapter 6. by \*Kyle, \*Roberts, \*Gilmore. (HB761 by \*Sparks, \*Windle, \*Johnson G, \*Griffey, \*Sexton J, \*Lafferty, \*Eldridge, \*Moon, \*Ragan, \*Johnson C, \*Doggett, \*Littleton, \*Leatherwood, \*Powell, \*Smith, \*Lamar, \*Clemmons, \*Warner, \*Helton, \*Jernigan, \*Chism, \*Grills, \*Parkinson, \*Faison, \*Weaver, \*Bricken, \*Gillespie, \*Hardaway, \*Powers, \*Vaughan, \*Russell, \*Cochran, \*Darby, \*Freeman, \*Harris, \*Garrett, \*Mitchell, \*Farmer, \*Sherrell, \*Hakeem, \*Mannis, \*Beck, \*Thompson, \*Haston, \*Hulsey, \*Rudd, \*Moody, \*Zachary, \*Ramsey, \*Baum, \*Hawk, \*Curcio, \*Miller, \*Whitson, \*Lynn, \*Carr, \*Boyd, \*Casada, \*Lamberth, \*Williams, \*Crawford, \*Terry, \*Ogles, \*White, \*Calfee, \*Hall, \*Hazlewood, \*Hicks G, \*Reedy, \*Todd, \*Cepicky, \*Gant, \*Howell, \*Hurt, \*Keisling, \*Rudder)

**WELCOMING AND HONORING**

**RECOGNITION IN THE WELL**

Representative Love was recognized in the Well to honor and congratulate Eddie George on becoming the new head football coach at Tennessee State University.

**RESOLUTION READ**

The Clerk read House Resolution No. 44, adopted April 19, 2021.

**House Resolution No. 44** -- Memorials, Sports - Eddie George. by \*Love, \*Dixie, \*McKenzie, \*Camper, \*Alexander, \*Baum, \*Beck, \*Boyd, \*Bricken, \*Calfee, \*Campbell S, \*Carr, \*Carringer, \*Casada, \*Cepicky, \*Chism, \*Clemmons, \*Cochran, \*Cooper, \*Crawford, \*Curcio, \*Darby, \*Doggett, \*Eldridge, \*Faison, \*Farmer, \*Gant, \*Garrett, \*Gillespie, \*Griffey, \*Grills, \*Hakeem, \*Halford, \*Hall, \*Hardaway, \*Harris, \*Hawk, \*Hazlewood, \*Helton, \*Hicks G, \*Hicks T, \*Hodges, \*Holsclaw, \*Howell, \*Hulsey, \*Hurt, \*Jernigan, \*Johnson C, \*Johnson G, \*Keisling, \*Kumar, \*Lafferty, \*Lamar, \*Lamberth, \*Leatherwood, \*Littleton, \*Lynn, \*Mannis, \*Marsh, \*Miller, \*Mitchell, \*Moody, \*Moon, \*Parkinson, \*Powell, \*Powers, \*Ramsey, \*Reedy, \*Rudd, \*Rudder, \*Russell, \*Sexton C, \*Sexton J, \*Shaw, \*Sherrell, \*Smith, \*Sparks, \*Terry, \*Thompson, \*Todd, \*Towns, \*Vaughan, \*Warner, \*Weaver, \*White, \*Whitson, \*Williams, \*Windle, \*Wright, \*Zachary.

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolutions were introduced and placed on the Consent Calendar No. 2 for May 4, 2021:

**House Resolution No. 110** -- Memorials, Recognition - Rev. Dr. William J. Barber II. by \*Hardaway.

**House Resolution No. 111** -- Memorials, Academic Achievement - Dalton Seals, Valedictorian, Clinch School. by \*Hicks G.

**House Resolution No. 112** -- Memorials, Academic Achievement - Lauraanne Jennings, Salutatorian, Clinch School. by \*Hicks G.

**House Resolution No. 113** -- Memorials, Recognition - Delton Mayberry, Hickman County Assessor of Property. by \*Curcio.

**\*House Joint Resolution No. 622** -- Memorials, Academic Achievement - Davis Duffy, Salutatorian, Zion Christian Academy. by \*Cepicky.

**\*House Joint Resolution No. 623** -- Memorials, Public Service - Representative John DeBerry. by \*Hardaway, \*Faison.

**\*House Joint Resolution No. 624** -- Memorials, Recognition - Deontra Jackson. by \*Hardaway.

**\*House Joint Resolution No. 626** -- Memorials, Recognition - Colonel James C. Harding. by \*Halford, \*Darby.

**\*House Joint Resolution No. 627** -- Memorials, Academic Achievement - Lauren Elizabeth Burchell, Salutatorian, Ooltewah High School. by \*Carter, \*Howell.

**\*House Joint Resolution No. 628** -- Memorials, Recognition - United Spinal Association, 75th anniversary. by \*Gillespie.

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**\*House Joint Resolution No. 629** -- Memorials, Professional Achievement - Judge L. Craig Johnson. by \*Bricken.

**\*House Joint Resolution No. 630** -- Memorials, Academic Achievement - Mackenzie Davis, Salutatorian, Scotts Hill High School. by \*Haston.

**\*House Joint Resolution No. 631** -- Memorials, Academic Achievement - Emma Franklin, Valedictorian, Scotts Hill High School. by \*Haston.

**\*House Joint Resolution No. 632** -- Memorials, Recognition - TJ Ramsey. by \*Terry.

**\*House Joint Resolution No. 633** -- Memorials, Retirement - Judge Joe H. Walker. by \*Hurt, \*Gant, \*Shaw, \*Moody.

**\*House Joint Resolution No. 634** -- Memorials, Death - Shirley I. Stout. by \*Carringer.

**\*House Joint Resolution No. 635** -- Memorials, Public Service - Landon Deel. by \*Baum.

### **RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolutions were introduced and placed on the Consent Calendar for May 5, 2021:

**\*House Joint Resolution No. 625** -- Memorials, Interns - William R. "Will" Jenkins. by \*Sexton C.

### **SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolutions listed were noted as being placed on the Consent Calendar No. 2 for May 4, 2021:

**\*Senate Joint Resolution No. 242** -- Memorials, Recognition - July 3, 2021, Indian Christian Day (Yeshu Bhakti Divas). by \*Reeves.

**\*Senate Joint Resolution No. 692** -- Memorials, Death - Mia LaDonna Myles. by \*Jackson.

**\*Senate Joint Resolution No. 695** -- Memorials, Death - Dorsey Ann Lunsford Lazenby. by \*Walley.

**\*Senate Joint Resolution No. 696** -- Memorials, Recognition - First Baptist Church of Lebanon, 200th anniversary. by \*Pody.

**\*Senate Joint Resolution No. 697** -- Memorials, Personal Occasion - Jerry Clark, 80th birthday. by \*Crowe.

**TUESDAY, MAY 4, 2021 – THIRTY-THIRD LEGISLATIVE DAY**

**\*Senate Joint Resolution No. 698** -- Memorials, Academic Achievement - Angelina Singvarapu, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 699** -- Memorials, Academic Achievement - Gibson Young, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 700** -- Memorials, Academic Achievement - Kendall Thirakul, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 701** -- Memorials, Academic Achievement - Samuel Smith, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 702** -- Memorials, Academic Achievement - Samuel Schmahl, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 703** -- Memorials, Academic Achievement - Elijah Oliver, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 704** -- Memorials, Academic Achievement - Breanna King, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 705** -- Memorials, Academic Achievement - Julia Jenkins, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 706** -- Memorials, Academic Achievement - Constantia Georgiou, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 707** -- Memorials, Academic Achievement - Lainey Callis, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 708** -- Memorials, Academic Achievement - Lily Anderson, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 709** -- Memorials, Personal Achievement - Gabriella Marie Kowalski, Eagle Scout. by \*Powers.

**\*Senate Joint Resolution No. 711** -- Memorials, Death - Shirley Ann Cothran. by \*Yarbro.

**\*Senate Joint Resolution No. 712** -- Memorials, Recognition - Kaden Robinson, 2021 Boys & Girls Clubs in Tennessee State Youth of the Year. by \*Briggs.

**\*Senate Joint Resolution No. 713** -- Memorials, Recognition - Hamblen County, 150th anniversary. by \*Southerland.

**\*Senate Joint Resolution No. 714** -- Memorials, Academic Achievement - Alexander Covie Haynes. by \*Johnson.

**\*Senate Joint Resolution No. 715** -- Memorials, Recognition - Warren County Emergency Medical Services. by \*Bowling.

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**\*Senate Joint Resolution No. 716** -- Memorials, Academic Achievement - Joshua Bishop Chapman, Valedictorian, Webb School of Knoxville. by \*Massey.

**\*Senate Joint Resolution No. 717** -- Memorials, Academic Achievement - Luke Crawford Hovis, Salutatorian, Webb School of Knoxville. by \*Massey.

**\*Senate Joint Resolution No. 718** -- Memorials, Academic Achievement - Abigail Smith, Valedictorian, Middleton High School. by \*Walley.

**\*Senate Joint Resolution No. 719** -- Memorials, Academic Achievement - Ian Howell, Salutatorian, Middleton High School. by \*Walley.

**\*Senate Joint Resolution No. 720** -- Memorials, Professional Achievement - Britney Gulley, 2021 DeKalb Teacher of the Year. by \*Pody.

**\*Senate Joint Resolution No. 721** -- Memorials, Retirement - Dr. Tim Cross. by \*Southerland.

**\*Senate Joint Resolution No. 729** -- Memorials, Recognition - National HealthCare Corporation, 50th anniversary. by \*White, \*Reeves.

**\*Senate Joint Resolution No. 743** -- Memorials, Death - Dr. Matthew Walker III. by \*Gilmore, \*Yarbro.

### **SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolutions listed were noted as being placed on the Consent Calendar for May 5, 2021:

**\*Senate Joint Resolution No. 722** -- Memorials, Sports - Hendersonville High School cheerleading team, UCA national champions. by \*Haile.

### **REPORTS FROM STANDING COMMITTEES**

The committees that met on **May 4, 2021**, reported the following:

#### **HEALTH COMMITTEE**

The Health Committee transmitted the following be referred to the Criminal Justice Committee: House Bill No. 490 with amendments.

#### **CRIMINAL JUSTICE COMMITTEE**

The Criminal Justice Committee transmitted the following be referred to the Government Operations Committee: House Bill No. 490.

**GOVERNMENT OPERATIONS COMMITTEE**

The Government Operations Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill No. 490. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

**FINANCE, WAYS, AND MEANS COMMITTEE**

The Finance, Ways, and Means Committee recommended for passage: House Bill No. 490. Under the rules, each was transmitted to the Calendar and Rules Committee.

**COMMITTEE ON CALENDAR AND RULES**

The Calendar and Rules Committee met and set the following bill on the **Regular Calendar** for **May 5, 2021**: House Bill No. 490.

**CONSENT CALENDAR**

**\*House Bill No. 139** -- Children's Services, Dept. of - As introduced, requires the department, working jointly with the higher education commission, the board of regents, and public institutions of higher education, to establish a foster care youth outreach pilot program at a minimum of five public institutions of higher education. - Amends TCA Title 37 and Title 49. by \*Lamberth, \*Gant, \*Baum, \*Littleton.

On motion, House Bill No. 139 was made to conform with **Senate Bill No. 722**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 612** -- Treasurer, State - As introduced, authorizes the treasurer to establish a length of service award program for eligible employers to participate in a deferred compensation plan for bona fide volunteers. - Amends TCA Title 8, Chapter 25, Part 1. by \*Gant.

On motion, House Bill No. 612 was made to conform with **Senate Bill No. 655**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 353** -- Banks and Financial Institutions - As introduced, requires the Tennessee advisory commission on intergovernmental relations (TACIR) to study the feasibility of creating a state gold depository and to report its findings to the speakers of the senate and house of representatives no later than January 1, 2022. - Amends TCA Title 4; Title 8; Title 9; Title 12; Title 45; Title 47; Title 48; Title 56 and Title 67. by \*Hulsey, \*Hicks G.

On motion, House Bill No. 353 was made to conform with **Senate Bill No. 279**; the Senate Bill was substituted for the House Bill.

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**House Bill No. 1344** -- Public Health - As introduced, requires TACIR to conduct a comprehensive evaluation of childhood obesity in the state and its short and long-term effects. - Amends TCA Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 10; Title 33; Title 34; Title 36; Title 37; Title 38; Title 43; Title 47; Title 49; Title 50; Title 53; Title 55; Title 56; Title 62; Title 67; Title 68 and Title 71. by \*Ogles, \*Kumar, \*Lynn.

On motion, House Bill No. 1344 was made to conform with **Senate Bill No. 1323**; the Senate Bill was substituted for the House Bill.

**House Bill No. 330** -- Taxes, Sales - As introduced, increases, from 30 to 35 years, the maximum time period during which a certain portion of state sales taxes are allocated and distributed to a municipality or industrial development corporation that finances development of an extraordinary retail or tourism facility project in a certified border region retail tourism development district. - Amends TCA Title 7, Chapter 40. by \*Helton, \*Hazlewood.

On motion, House Bill No. 330 was made to conform with **Senate Bill No. 241**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 951** -- Criminal Offenses - As introduced, creates the offense of negligently, by act or omission, engaging in conduct that places a child in imminent danger of death, bodily injury, or physical or mental impairment. - Amends TCA Title 39 and Title 40, Chapter 35. by \*Littleton, \*Hardaway.

On motion, House Bill No. 951 was made to conform with **Senate Bill No. 1591**; the Senate Bill was substituted for the House Bill.

**House Resolution No. 98** -- Memorials, Retirement - Pam Beck. by \*Lamberth, \*Beck, \*Littleton.

**House Resolution No. 99** -- Memorials, Academic Achievement - Lanie Dalton, Top Six Senior, Hancock County School. by \*Hicks G.

**House Resolution No. 100** -- Memorials, Academic Achievement - Sarah Johnson, Top Six Senior, Hancock County School. by \*Hicks G.

**House Resolution No. 101** -- Memorials, Academic Achievement - Skylar Ramsey, Top Six Senior, Hancock County School. by \*Hicks G.

**House Resolution No. 102** -- Memorials, Academic Achievement - Haley Greene, Top Six Senior, Hancock County School. by \*Hicks G.

**House Resolution No. 103** -- Memorials, Academic Achievement - Hannah Cinnamon, Salutatorian, Hancock County School. by \*Hicks G.

**House Resolution No. 104** -- Memorials, Academic Achievement - Gabriel Turner, Valedictorian, Hancock County School. by \*Hicks G.

**House Resolution No. 105** -- Memorials, Personal Achievement - Noah M. Widick, Eagle Scout. by \*Travis.



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**House Resolution No. 106** -- Memorials, Recognition - Tennessee distilleries. by \*Casada.

**House Resolution No. 107** -- Memorials, Academic Achievement - Grayson Catlett, Valedictorian, Central High School. by \*Smith.

**House Resolution No. 108** -- Memorials, Academic Achievement - Zoey Greene, Salutatorian, Central High School. by \*Smith.

**House Resolution No. 109** -- Memorials, Death - Dr. Matthew Walker III. by \*Love, \*Parkinson, \*Lamar, \*Camper, \*Hardaway, \*Dixie, \*Clemmons.

**\*House Joint Resolution No. 572** -- Memorials, Academic Achievement - Avery Ruth Cranford, Valedictorian, Portland High School. by \*Lamberth.

**\*House Joint Resolution No. 573** -- Memorials, Academic Achievement - Rylie Jaden Morris, Salutatorian, Portland High School. by \*Lamberth.

**\*House Joint Resolution No. 574** -- Memorials, Death - Audrey Sue Fulton Jackson. by \*Littleton, \*Rudder, \*Alexander, \*Baum, \*Beck, \*Boyd, \*Bricken, \*Calfee, \*Campbell S, \*Camper, \*Carr, \*Carringer, \*Casada, \*Cepicky, \*Chism, \*Clemmons, \*Cochran, \*Crawford, \*Curcio, \*Darby, \*Dixie, \*Doggett, \*Eldridge, \*Faison, \*Farmer, \*Freeman, \*Gant, \*Garrett, \*Gillespie, \*Grills, \*Hakeem, \*Halford, \*Hall, \*Harris, \*Haston, \*Hawk, \*Hazlewood, \*Helton, \*Hicks G, \*Hicks T, \*Hodges, \*Holsclaw, \*Howell, \*Hurt, \*Jernigan, \*Johnson C, \*Johnson G, \*Keisling, \*Kumar, \*Lafferty, \*Lamberth, \*Leatherwood, \*Love, \*Lynn, \*Mannis, \*Marsh, \*McKenzie, \*Miller, \*Mitchell, \*Moody, \*Moon, \*Ogles, \*Parkinson, \*Powell, \*Powers, \*Ramsey, \*Reedy, \*Rudd, \*Russell, \*Sexton C, \*Sexton J, \*Shaw, \*Sherrell, \*Smith, \*Sparks, \*Stewart, \*Terry, \*Thompson, \*Todd, \*Travis, \*Vaughan, \*Warner, \*Weaver, \*White, \*Whitson, \*Williams, \*Windle, \*Wright, \*Zachary.

**\*House Joint Resolution No. 575** -- Memorials, Death - Barbara Sue Jackson Frazier. by \*Littleton, \*Rudder, \*Alexander, \*Baum, \*Beck, \*Boyd, \*Bricken, \*Calfee, \*Campbell S, \*Camper, \*Carr, \*Carringer, \*Casada, \*Cepicky, \*Chism, \*Clemmons, \*Cochran, \*Crawford, \*Curcio, \*Darby, \*Dixie, \*Doggett, \*Eldridge, \*Faison, \*Farmer, \*Freeman, \*Gant, \*Garrett, \*Gillespie, \*Grills, \*Hakeem, \*Halford, \*Hall, \*Harris, \*Haston, \*Hawk, \*Hazlewood, \*Helton, \*Hicks G, \*Hicks T, \*Hodges, \*Holsclaw, \*Howell, \*Hurt, \*Jernigan, \*Johnson C, \*Johnson G, \*Keisling, \*Kumar, \*Lafferty, \*Lamberth, \*Leatherwood, \*Love, \*Lynn, \*Mannis, \*Marsh, \*McKenzie, \*Miller, \*Mitchell, \*Moody, \*Moon, \*Ogles, \*Parkinson, \*Powell, \*Powers, \*Ramsey, \*Reedy, \*Rudd, \*Russell, \*Sexton C, \*Sexton J, \*Shaw, \*Sherrell, \*Smith, \*Sparks, \*Stewart, \*Terry, \*Thompson, \*Todd, \*Travis, \*Vaughan, \*Warner, \*Weaver, \*White, \*Whitson, \*Williams, \*Windle, \*Wright, \*Zachary.

**\*House Joint Resolution No. 576** -- Memorials, Recognition - City of East Ridge, 100th anniversary. by \*Helton.

**\*House Joint Resolution No. 577** -- Memorials, Sports - Francesca Muccini, 2020 Last Annual Vol State Road Race winner. by \*Marsh.

**\*House Joint Resolution No. 579** -- Memorials, Sports - Karly Weathers, TSSAA Class A Miss Basketball. by \*Doggett.

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**\*House Joint Resolution No. 580** -- Memorials, Recognition - Waylon H. Denton. by \*Doggett.

**\*House Joint Resolution No. 581** -- Memorials, Academic Achievement - Olivia Henderson, Top Scholar, Merrol Hyde Magnet School. by \*Garrett, \*Lamberth.

**\*House Joint Resolution No. 582** -- Memorials, Academic Achievement - Olivia Furr, Top Scholar, Merrol Hyde Magnet School. by \*Garrett, \*Lamberth.

**\*House Joint Resolution No. 583** -- Memorials, Academic Achievement - Ryan Fuqua, Top Scholar, Merrol Hyde Magnet School. by \*Garrett, \*Lamberth.

**\*House Joint Resolution No. 584** -- Memorials, Academic Achievement - Opal Flanagan, Top Scholar, Merrol Hyde Magnet School. by \*Garrett, \*Lamberth.

**\*House Joint Resolution No. 585** -- Memorials, Academic Achievement - Connor Edwards, Top Scholar, Merrol Hyde Magnet School. by \*Garrett, \*Lamberth.

**\*House Joint Resolution No. 586** -- Memorials, Academic Achievement - Audrey Clark, Top Scholar, Merrol Hyde Magnet School. by \*Garrett, \*Lamberth.

**\*House Joint Resolution No. 587** -- Memorials, Academic Achievement - Elizabeth Caldwell, Top Scholar, Merrol Hyde Magnet School. by \*Garrett, \*Lamberth.

**\*House Joint Resolution No. 588** -- Memorials, Academic Achievement - Tessa Bentley, Top Scholar, Merrol Hyde Magnet School. by \*Garrett, \*Lamberth.

**\*House Joint Resolution No. 589** -- Memorials, Academic Achievement - Lizzie Wilder, Top Scholar, Merrol Hyde Magnet School. by \*Garrett, \*Lamberth.

**\*House Joint Resolution No. 590** -- Memorials, Academic Achievement - Megan White, Top Scholar, Merrol Hyde Magnet School. by \*Garrett, \*Lamberth.

**\*House Joint Resolution No. 591** -- Memorials, Academic Achievement - Delisha Valacheril, Top Scholar, Merrol Hyde Magnet School. by \*Garrett, \*Lamberth.

**\*House Joint Resolution No. 592** -- Memorials, Academic Achievement - Mary Grace Rowell, Top Scholar, Merrol Hyde Magnet School. by \*Garrett, \*Lamberth.

**\*House Joint Resolution No. 593** -- Memorials, Academic Achievement - Audrey Lenard, Top Scholar, Merrol Hyde Magnet School. by \*Garrett, \*Lamberth.

**\*House Joint Resolution No. 594** -- Memorials, Academic Achievement - Kaitlin Koster, Top Scholar, Merrol Hyde Magnet School. by \*Garrett, \*Lamberth.

**\*House Joint Resolution No. 595** -- Memorials, Academic Achievement - Ava Jones, Top Scholar, Merrol Hyde Magnet School. by \*Garrett, \*Lamberth.

**\*House Joint Resolution No. 596** -- Memorials, Academic Achievement - Hailey Hiatt, Top Scholar, Merrol Hyde Magnet School. by \*Garrett, \*Lamberth.

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**\*House Joint Resolution No. 597** -- Memorials, Academic Achievement - Seth Hemingway, Valedictorian, Merrol Hyde Magnet School. by \*Garrett, \*Lamberth.

**\*House Joint Resolution No. 598** -- Memorials, Academic Achievement - Joshua Rodriguez, Valedictorian, Merrol Hyde Magnet School. by \*Garrett, \*Lamberth.

**\*House Joint Resolution No. 599** -- Memorials, Academic Achievement - Joseph Rodriguez, Valedictorian, Merrol Hyde Magnet School. by \*Garrett, \*Lamberth.

**\*House Joint Resolution No. 600** -- Memorials, Academic Achievement - Caela Rewa, Valedictorian, Merrol Hyde Magnet School. by \*Garrett, \*Lamberth.

**\*House Joint Resolution No. 601** -- Memorials, Academic Achievement - Drew Miller, Valedictorian, Merrol Hyde Magnet School. by \*Garrett, \*Lamberth.

**\*House Joint Resolution No. 602** -- Memorials, Academic Achievement - Joshua Lynch, Valedictorian, Merrol Hyde Magnet School. by \*Garrett, \*Lamberth.

**\*House Joint Resolution No. 603** -- Memorials, Academic Achievement - Ashvin Kodali, Valedictorian, Merrol Hyde Magnet School. by \*Garrett, \*Lamberth.

**\*House Joint Resolution No. 604** -- Memorials, Academic Achievement - Blake Butler, Valedictorian, Merrol Hyde Magnet School. by \*Garrett, \*Lamberth.

**\*House Joint Resolution No. 605** -- Memorials, Academic Achievement - Ryker Drake Cook, Salutatorian, Westmoreland High School. by \*Lamberth.

**\*House Joint Resolution No. 606** -- Memorials, Academic Achievement - Grace Marie Sloan, Salutatorian, Westmoreland High School. by \*Lamberth.

**\*House Joint Resolution No. 607** -- Memorials, Academic Achievement - Jordan Alexa Bandy, Valedictorian, Westmoreland High School. by \*Lamberth.

**\*House Joint Resolution No. 608** -- Memorials, Academic Achievement - Ethan Lain Hollans, Salutatorian, Station Camp High School. by \*Lamberth.

**\*House Joint Resolution No. 609** -- Memorials, Academic Achievement - Eliana Ying Safer, Valedictorian, Station Camp High School. by \*Lamberth.

**\*House Joint Resolution No. 610** -- Memorials, Recognition - George Rooker. by \*Beck, \*Clemmons.

**\*House Joint Resolution No. 611** -- Memorials, Recognition - Music City Roots. by \*Beck, \*Clemmons.

**\*House Joint Resolution No. 612** -- Memorials, Recognition - Joey Garrison. by \*Powell, \*Stewart, \*Mitchell, \*Dixie, \*Freeman, \*Clemmons, \*Jernigan.

**\*House Joint Resolution No. 613** -- Memorials, Academic Achievement - Abigail Joy Baker, Valedictorian, First Assembly Christian School. by \*Thompson, \*Leatherwood.

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**\*House Joint Resolution No. 614** -- Memorials, Academic Achievement - Claire Elizabeth Hanna, Salutatorian, First Assembly Christian School. by \*Thompson, \*Leatherwood.

**\*House Joint Resolution No. 615** -- Memorials, Death - Jesse Harrison Stephenson, Jr. by \*Reedy.

**\*House Joint Resolution No. 616** -- Memorials, Retirement - Ward Phillips. by \*Reedy.

**\*House Joint Resolution No. 617** -- Memorials, Recognition - Christ Classical Academy, 25th anniversary. by \*Grills.

**\*House Joint Resolution No. 618** -- Memorials, Death - Lt. Kenny Lynn Gibbons. by \*Grills.

**\*House Joint Resolution No. 619** -- Memorials, Retirement - Pam Beck. by \*Lamberth, \*Littleton, \*Rudder, \*Whitson, \*Alexander, \*Baum, \*Beck, \*Boyd, \*Bricken, \*Calfee, \*Campbell S, \*Camper, \*Carr, \*Carringer, \*Casada, \*Cepicky, \*Chism, \*Clemmons, \*Cochran, \*Crawford, \*Curcio, \*Darby, \*Dixie, \*Doggett, \*Eldridge, \*Faison, \*Farmer, \*Freeman, \*Gant, \*Garrett, \*Gillespie, \*Grills, \*Hakeem, \*Halford, \*Hall, \*Harris, \*Haston, \*Hawk, \*Hazlewood, \*Helton, \*Hicks G, \*Hicks T, \*Hodges, \*Holsclaw, \*Howell, \*Hurt, \*Jernigan, \*Johnson C, \*Johnson G, \*Keisling, \*Kumar, \*Lafferty, \*Leatherwood, \*Love, \*Lynn, \*Mannis, \*Marsh, \*McKenzie, \*Miller, \*Mitchell, \*Moody, \*Moon, \*Ogles, \*Parkinson, \*Powell, \*Powers, \*Ramsey, \*Reedy, \*Rudd, \*Russell, \*Sexton C, \*Sexton J, \*Shaw, \*Sherrell, \*Smith, \*Sparks, \*Stewart, \*Terry, \*Thompson, \*Todd, \*Travis, \*Vaughan, \*Warner, \*Weaver, \*White, \*Williams, \*Windle, \*Wright, \*Zachary.

**\*House Joint Resolution No. 621** -- Memorials, Public Service - David Smith, Davidson County Juvenile Court Clerk. by \*Beck.

Rep. Littleton moved that all members voting aye on House Joint Resolutions Nos. 574 and 575 be added as co-prime sponsors, which motion prevailed with the following member not added pursuant to the signed Sponsor Exclusion form: Rep. Ragan.

Rep. Lamberth moved that all members voting aye on House Joint Resolution No. 619 be added as co-prime sponsors, which motion prevailed with the following member not added pursuant to the signed Sponsor Exclusion form: Rep. Ragan.

Pursuant to **Rule No. 50**, Rep. Zachary moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate Joint Resolutions confirming appointments on the Clerk's desk be substituted for House Joint Resolutions confirming the same appointments, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	90
Noes .....	0

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G,

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Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--90

A motion to reconsider was tabled.

**REGULAR CALENDAR**

**\*House Bill No. 718** -- Elder Abuse - As introduced, enacts the "Safe Seniors Act of 2021". - Amends TCA Title 39; Title 40 and Title 71. by \*Keisling, \*Gillespie, \*Griffey, \*Crawford, \*Sherrell, \*Bricken, \*Helton, \*Moody, \*Smith, \*Freeman, \*Sexton C, \*Cepicky, \*Eldridge, \*Hazlewood, \*Littleton, \*Ramsey, \*Howell, \*Jernigan, \*Hardaway, \*Moon, \*Faison, \*Ogles, \*Stewart, \*Wright, \*Camper, \*Reedy, \*Todd, \*Doggett, \*Hawk, \*Mannis, \*Alexander, \*Powers, \*Lynn, \*Carr, \*White, \*Rudder, \*Whitson. (SB1228 by \*Rose, \*Akbari, \*Briggs, \*Crowe, \*Gardenhire, \*Gilmore, \*Kyle, \*Jackson, \*Massey)

On motion, House Bill No. 718 was made to conform with **Senate Bill No. 1228**; the Senate Bill was substituted for the House Bill.

Rep. Keisling moved that **Senate Bill No. 1228** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 91  
Noes ..... 0

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--91

A motion to reconsider was tabled.

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**House Bill No. 1398** -- Insurance, Health, Accident - As introduced, makes certain changes regarding pharmacy benefits and pharmacy benefits managers. - Amends TCA Title 4; Title 56 and Title 71. by \*Helton, \*Clemmons, \*Smith, \*Rudder, \*Faison, \*Bricken, \*Lafferty, \*Powers, \*Sparks, \*Mannis, \*Littleton, \*Grills, \*Warner, \*Hurt, \*Terry, \*Whitson, \*Carringer, \*Kumar, \*Moon, \*Eldridge, \*Hall, \*Hakeem, \*Ramsey, \*Hicks T, \*Mitchell, \*Cepicky, \*Hawk, \*Sherrell, \*Griffey, \*Casada, \*Weaver, \*Alexander, \*Moody, \*Crawford, \*Reedy, \*Hodges, \*Russell, \*Cochran, \*Leatherwood, \*Sexton J, \*Wright, \*Calfee, \*Farmer, \*Garrett, \*Freeman, \*Beck, \*Lynn, \*Zachary, \*Jernigan, \*Windle, \*Powell, \*Johnson C, \*Darby, \*Rudd, \*Doggett, \*Ogles, \*Williams, \*Haston, \*Vaughan, \*Howell, \*Ragan, \*Harris, \*Shaw, \*Towns, \*Hardaway, \*Chism, \*White, \*Marsh, \*Carr, \*Gant, \*Keisling, \*Johnson G, \*Lamberth, \*Todd, \*Miller, \*Camper. (\*SB1617 by \*Reeves, \*Bell, \*Yager, \*Haile, \*Swann, \*Briggs)

Rep. Helton moved that House Bill No. 1398 be passed on third and final consideration.

Rep. Kumar requested that Insurance Committee Amendment No. 1 be placed at the heel of the amendments.

Rep. Hazlewood moved adoption of Finance, Ways, and Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

### **Amendment No. 2**

AMEND House Bill No. 1398 by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 31, is amended by adding the following as a new section:

(a) A health insurance issuer, managed health insurance issuer as defined in § 56-32-128(a), pharmacy benefits manager, or other third-party payer shall not:

(1) Reimburse a 340B entity for pharmacy-dispensed drugs at a rate lower than the rate paid for the same drug by national drug code number to pharmacies that are not 340B entities;

(2) Assess a fee, chargeback, or adjustment upon a 340B entity that is not equally assessed on non-340B entities;

(3) Exclude 340B entities from its network of participating pharmacies based on criteria that is not applied to non-340B entities; or

(4) Require a claim for a drug by national drug code number to include a modifier to identify that the drug is a 340B drug.

(b) With respect to a patient eligible to receive drugs subject to an agreement under 42 U.S.C. § 256b, a pharmacy benefits manager, or third party that makes payment for those drugs, shall not discriminate against a 340B entity in a manner that violates § 56-7-2359 or otherwise prevents or interferes with the patient's choice to receive those drugs from the 340B entity.

(c) Notwithstanding § 56-7-1005, this section does not apply to:

(1) The TennCare program administered under the Medical Assistance Act of 1968, compiled in title 71, chapter 5, part 1, or a successor Medicaid program;

(2) The CoverKids Act of 2006, compiled in title 71, chapter 3, part 11, or a successor program; or

(3) The prescription drug program described in chapter 57 of this title, or a successor program.

(d) As used in this section:

(1) "340B entity" means a covered entity participating in the federal 340B drug discount program, as defined in section 340B of the Public Health Service Act, 42 U.S.C. § 256b, including the entity's pharmacy or pharmacies, or any pharmacy or pharmacies under contract with the 340B covered entity to dispense drugs on behalf of the 340B covered entity; and

(2) "National drug code number" means the unique national drug code number that identifies a specific approved drug, its manufacturer, and its package presentation.

SECTION 2. Tennessee Code Annotated, Title 56, Chapter 7, Part 31, is amended by adding the following as a new section:

(a) A pharmacy benefits manager or a covered entity shall not require a person covered under a pharmacy benefit contract, that provides coverage for prescription drugs, including specialty drugs, to pay an additional fee, higher copay, higher coinsurance, second copay, second coinsurance, or other penalty when obtaining prescription drugs, including specialty drugs from a contracted pharmacy.

(b) A pharmacy benefits manager or a covered entity shall not interfere with the patient's right to choose a contracted pharmacy or contracted provider of choice in a manner that violates § 56-7-2359 or by other means, including inducement, steering, or offering financial or other incentives.

SECTION 3. Tennessee Code Annotated, Title 56, Chapter 7, Part 32, is amended by adding the following as a new section:

(a) Notwithstanding a law to the contrary, a pharmacy benefits manager or a covered entity shall base the calculation of any coinsurance or deductible for a prescription drug or device on the allowed amount of the drug or device. For purposes of this section, coinsurance or deductible does not mean or include copayments.

(b) Notwithstanding a law to the contrary, a pharmacy benefits manager shall not charge a covered entity an amount greater than the reimbursement paid

by a pharmacy benefits manager to a contracted pharmacy for the prescription drug or device.

(c)

(1) Notwithstanding a law to the contrary, and except as otherwise provided in this subsection (c), a pharmacy benefits manager shall not reimburse a contracted pharmacy for a prescription drug or device an amount that is less than the actual cost to that pharmacy for the prescription drug or device.

(2)

(A) Subdivision (c)(1) does not apply to a pharmacy benefits manager when utilizing a reimbursement methodology that is identical to the methodology provided for in the state plan for medical assistance approved by the federal centers for medicare and medicaid services.

(B) If a pharmacy benefits manager utilizes a reimbursement methodology that is identical to the methodology provided for in the state plan for medical assistance approved by the federal centers for medicare and medicaid services, then the pharmacy benefits manager shall establish a process for a pharmacy to appeal a reimbursement paid at average acquisition cost and receive an adjusted payment by providing valid and reliable evidence that the reimbursement does not reflect the actual cost to the pharmacy for the prescription drug or device.

(3)

(A) Subdivision (c)(1) does not apply to a covered entity or pharmacy benefits manager that establishes a clearly defined process through which a pharmacy may contest the actual reimbursement received for a particular drug or medical product or device.

(B) If a pharmacy chooses to contest the actual reimbursement cost for a particular drug or medical product or device, then the pharmacy has the right to designate a pharmacy services administrative organization or other agent to file and handle its appeal of the actual reimbursement.

(4) A covered entity's or pharmacy benefits manager's appeals process must be approved by the commissioner of commerce and insurance and comply with the timing and notice requirements of § 56-7-3108.

(d) As used in this section, "allowed amount" means the cost of a prescription drug or device after applying pharmacy benefits manager or covered entity pricing discounts available at the time of the prescription claim transaction.



SECTION 4. Tennessee Code Annotated, Title 56, Chapter 7, Part 32, is amended by adding the following as a new section:

A pharmacy benefits manager has a responsibility to report to the plan and the patient any benefit percentage that either are entitled to as a benefit as a covered person.

SECTION 5. Tennessee Code Annotated, Title 56, Chapter 7, Part 32, is amended by adding the following as a new section:

(a)

(1) A covered entity shall, upon request of an enrollee, enrollee's healthcare provider, or authorized third party, furnish the cost, benefit, and coverage data described in subsection (b) to the enrollee, the enrollee's healthcare provider, or an authorized third party, and shall ensure that the data is:

(A) Accurate as of the most recent change to the data that was made prior to the date of request;

(B) Provided in real time; and

(C) Provided in the same format in which the request is made.

(2)

(A) A request for coverage data must be in a format that uses established industry content and transport standards as published by the following:

(i) A standard developing organization that is accredited by the American National Standards Institute, including, but not limited to, the National Council for Prescription Drug Programs, ASC X12, and Health Level 7; or

(ii) A relevant governing entity of this state or the federal government, including, but not limited to, the federal centers for medicare and medicaid services and the office of national coordinator for health information technology.

(B) The following are not acceptable formats for requests for coverage data under this section:

(i) A facsimile; or

(ii) Use of a proprietary payor or patient portal or other electronic form.

(b) A covered entity that receives a request for data that complies with subsection (a) shall provide the following data for each drug covered under the enrollee's health plan:

(1) The enrollee's eligibility information for the drug;

(2) A list of any clinically appropriate alternatives to drugs covered under the enrollee's health plan;

(3) Cost-sharing information for the drugs and the clinically appropriate alternatives; and

(4) Applicable utilization management requirements for the drugs or clinically appropriate alternatives, including prior authorization, step therapy, quantity limits, and site-of-service restrictions.

(c) A covered entity that furnishes data as provided in subsection (b) shall not:

(1) Restrict, prohibit, or otherwise hinder a healthcare provider from communicating or sharing with the enrollee or enrollee's authorized representative:

(A) The data set forth in subsection (b);

(B) Additional information on lower-cost or clinically appropriate alternative drugs, whether or not the drugs are covered under the enrollee's plan; or

(C) Additional payment or cost-sharing information that may reduce the patient's out-of-pocket costs, such as cash price or patient assistance, and support programs sponsored by a manufacturer, foundation, or other entity;

(2) Except as may be required by law, interfere with, prevent, or materially discourage access to, exchange of, or the use of the data set forth in subsection (b), including:

(A) Charging fees;

(B) Failing to respond to a request at the time made when such a response is reasonably possible;

(C) Implementing technology in nonstandard ways; or

(D) Instituting requirements, processes, policies, procedures, or renewals that are likely to substantially increase

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the complexity or burden of accessing, exchanging, or using the data; or

(3) Penalize a healthcare provider for:

(A) Disclosing the information described in subdivision (c)(1) to an enrollee; or

(B) Prescribing, administering, or ordering a clinically appropriate or lower-cost alternative drug.

SECTION 6. Sections 1-4 of this act take effect July 1, 2021, the public welfare requiring it. Section 5 of this act takes effect January 1, 2022, the public welfare requiring it.

On motion, Finance, Ways, and Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Kumar moved that Insurance Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Helton moved that **House Bill No. 1398**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	88
Noes.....	1
Present and not voting.....	1

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--88

Representatives voting no were: Travis--1

Representatives present and not voting were: Curcio--1

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **House Bill No. 1398** and have this statement entered in the Journal: Rep. Crawford.

REGULAR CALENDAR, CONTINUED

**\*House Bill No. 430** -- Sentencing - As introduced, requires that a person convicted of facilitation of rape of a child or aggravated rape of a child be sentenced to community supervision for life and to serve 100 percent of the sentence imposed before becoming eligible for release, with no more than 15 percent in sentence reduction credits. - Amends TCA Title 39 and Title 40. by \*Lamberth, \*Littleton, \*Griffey, \*Sexton J, \*Sherrell, \*Hazlewood, \*Hardaway, \*Reedy, \*Smith, \*Todd, \*Moody, \*Mannis, \*Doggett, \*Cepicky, \*Terry. (SB628 by \*Bell, \*Bowling, \*White)

Rep. Lamberth moved that **House Bill No. 430** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 89  
Noes..... 0

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--89

A motion to reconsider was tabled.

**House Bill No. 1047** -- Sentencing - As introduced, requires that a person convicted of continuous sexual abuse of a child that was committed on or after July 1, 2021, be sentenced to community supervision for life. - Amends TCA Title 3; Title 4; Title 9; Title 37; Title 38; Title 39; Title 40; Title 41 and Title 55. by \*Sexton C, \*Russell, \*Lamberth, \*Doggett, \*Curcio, \*Garrett, \*Moody, \*Gant, \*Faison, \*Howell, \*Sexton J, \*Griffey, \*Sparks, \*Hazlewood, \*Sherrell, \*Hardaway, \*Reedy, \*Smith, \*Todd, \*Littleton, \*Jernigan, \*Terry, \*Whitson. (\*SB717 by \*McNally, \*Bell, \*White)

Rep. Russell moved that House Bill No. 1047 be passed on third and final consideration.

Rep. Curcio moved adoption of Criminal Justice Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1047 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-35-501, is amended by adding the following new subsection:

(x)

(1) Notwithstanding any provisions of this section to the contrary, there shall be no release eligibility for a person committing an offense, on or after July 1, 2021, that is enumerated in subdivision (x)(2). The person shall serve one hundred percent (100%) of the sentence imposed by the court undiminished by any sentence reduction credits the person may be eligible for or earn. The person shall be permitted to earn any credits for which the person is eligible and the credits may be used for the purpose of increased privileges, reduced security classification, or for any purpose other than the reduction of the sentence imposed by the court.

(2) The offenses to which subdivision (x)(1) applies are:

- (A) Female genital mutilation, as defined in § 39-13-110;
- (B) Domestic assault, as defined in § 39-13-111, when the offense is a felony offense;
- (C) Trafficking for a commercial sex act, as defined in § 39-13-309;
- (D) Advertising commercial sexual abuse of a minor, as defined in § 39-13-315;
- (E) Rape, as defined in § 39-13-503;
- (F) Aggravated sexual battery, as defined in § 39-13-504;
- (G) Sexual battery, as defined in § 39-13-505;
- (H) Aggravated statutory rape, as defined in § 39-13-506(c);
- (I) Indecent exposure, as defined in § 39-13-511, when the offense is a felony offense;
- (J) Patronizing prostitution, as defined in § 39-13-514(b)(3);
- (K) Promoting prostitution, as defined in § 39-13-515;
- (L) Public indecency, as defined in § 39-13-517(d)(3);
- (M) Continuous sexual abuse of a child, as defined in § 39-13-518;
- (N) Sexual battery by an authority figure, as defined in § 39-13-527;

(O) Solicitation of a minor, as defined in § 39-13-528, when the offense is a felony offense;

(P) Soliciting sexual exploitation of a minor, as defined in § 39-13-529;

(Q) Statutory rape by an authority figure, as defined in § 39-13-532;

(R) Promoting travel for prostitution, as defined in § 39-13-533;

(S) Unlawful photographing in violation of privacy, as defined in § 39-13-605, when the victim is under thirteen (13) years of age;

(T) Observation without consent, as defined in § 39-13-607(d)(2);

(U) Incest, as defined in § 39-15-302;

(V) Child abuse or child neglect or endangerment, as defined in § 39-15-401;

(W) Aggravated child abuse or aggravated child endangerment or neglect, as defined in § 39-15-402;

(X) Using a minor to produce, import, prepare, distribute, process, or appear in obscene material, as defined in § 39-17-902(b);

(Y) Unlawful sale, distribution, or transportation with intent to sell or distribute of a child-like sex doll, as defined in § 39-17-910(f);

(Z) Sexual exploitation of a minor, as defined in § 39-17-1003;

(AA) Aggravated sexual exploitation of a minor, as defined in § 39-17-1004;

(BB) Especially aggravated sexual exploitation of a minor, as defined in § 39-17-1005;

(CC) Conspiracy, under § 39-12-103, to commit any of the offenses listed in this subdivisions (x)(2);

(DD) Criminal attempt, under § 39-12-101, to commit any of the offenses listed in this subdivision (x)(2); or

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(EE) Solicitation, under § 39-12-102, to commit any of the offenses listed in this subdivision (x)(2).

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it, and applies to offenses committed on or after that date.

On motion, Criminal Justice Committee Amendment No. 1 was adopted.

Rep. Russell moved that **House Bill No. 1047**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 89  
Noes..... 0

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Grills, Hakeem, Halford, Hall, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--89

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **House Bill No. 1047** and have this statement entered in the Journal: Rep. Cepicky.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 910** -- Public Records - As introduced, establishes that personal identifying information compiled by and in the possession of municipal and county law enforcement agencies and detention facilities concerning any person who has been arrested or charged, but not convicted, of any offense is confidential information and is not open for inspection by the public. - Amends TCA Title 10, Chapter 7, Part 5. by \*Casada, \*Ogles, \*Whitson, \*Cooper, \*Sherrell, \*Russell, \*Moody, \*White. (\*SB572 by \*Johnson)

Rep. Casada moved that House Bill No. 910 be passed on third and final consideration.

Rep. Keisling moved adoption of State Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 910 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 10-7-504, is amended by adding the following new subsection:

( )

(1) Except as provided in subdivision (a)(31), personal identifying information compiled by and in the possession of municipal and county law enforcement agencies and detention facilities concerning any person who has been arrested for or charged with, but not convicted of, any offense is confidential; provided, that this subsection ( ) does not make confidential the street address of a reported crime. This subsection ( ) does not apply to any person who is arrested for or charged with a parole or probation violation during the term of a suspended or deferred sentence.

(2) This subsection ( ) does not prohibit the disclosure of personal information that is used to populate and maintain the statewide automated victim information and notification system, created by title 40, chapter 38, part 5.

(3) As used in this subsection ( ), "personal identifying information" means the home street address, excluding the name of the city or the zip code. "Personal identifying information" also means the personal telephone number and social security number of the person.

SECTION 2. Tennessee Code Annotated, Section 10-7-504(a)(31), is amended by deleting subdivision (B) and substituting instead the following:

(B) Notwithstanding subdivision (a)(31)(A) and upon written request, a motor vehicle accident report containing personal identifying information of persons involved in the accident may be given to:

(i) Any person named in the motor vehicle accident report;

(ii) An agent, legal representative, or attorney of any person or property owner named in the motor vehicle accident report, with certification of permission from the person the agent, legal representative, or attorney represents;

(iii) The owner of any real property listed in the report; or

(iv) Any person or entity authorized to obtain motor vehicle records information pursuant to § 55-25-107(b)(1), (b)(6), or (b)(9).

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.



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On motion, State Government Committee Amendment No. 1 was adopted.

Rep. Casada moved that **House Bill No. 910**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 88  
Noes ..... 0

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Clemmons, Cochran, Crawford, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, McKenzie, Miller, Moody, Moon, Ogles, Parkinson, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--88

A motion to reconsider was tabled.

**House Bill No. 1121** -- Child Abuse - As introduced, creates a Class A misdemeanor for a person to use fraud or deception to try and obtain confidential records concerning reports of child sexual abuse. - Amends TCA Title 37. by \*Farmer, \*Hardaway, \*Ogles, \*Carr, \*Whitson, \*Howell, \*Moody, \*Littleton, \*Crawford, \*Alexander. (\*SB476 by \*Bell, \*Jackson)

On motion, House Bill No. 1121 was made to conform with **Senate Bill No. 476**; the Senate Bill was substituted for the House Bill.

Rep. Farmer moved that Senate Bill No. 476 be passed on third and final consideration.

Rep. Curcio moved that Criminal Justice Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Farmer moved that **Senate Bill No. 476** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 89  
Noes ..... 0

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Cepicky, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--89

A motion to reconsider was tabled.

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**House Bill No. 1339** -- Witnesses - As introduced, expands the technology by which a child's testimony can be taken outside of a courtroom in certain cases to include secure video conferencing applications. - Amends TCA Title 24; Title 39; Title 40 and Title 55. by \*Ogles, \*Curcio, \*Hardaway, \*Littleton, \*Alexander, \*Cepicky. (\*SB1231 by \*Rose, \*Haile, \*Kyle)

On motion, House Bill No. 1339 was made to conform with **Senate Bill No. 1231**; the Senate Bill was substituted for the House Bill.

Rep. Ogles moved that Senate Bill No. 1231 be passed on third and final consideration.

Rep. Curcio moved that Criminal Justice Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Ogles moved that **Senate Bill No. 1231** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 93  
Noes..... 0

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--93

A motion to reconsider was tabled.

**\*House Bill No. 580** -- Education, Dept. of - As introduced, requires the commissioner to post, by June 1, 2022, and by June 1 each year thereafter, the number of waivers of average class size limits granted to LEAs to assist the LEAs with funding grow your own programs. - Amends TCA Title 4 and Title 49. by \*Ragan, \*White, \*Cepicky, \*Sherrell, \*Smith, \*Darby, \*Zachary, \*Grills, \*Howell, \*Helton, \*Lamberth, \*Rudd, \*Terry, \*Casada, \*Littleton, \*Warner, \*Carr, \*Carringer, \*Griffey, \*Crawford, \*Weaver, \*Bricken, \*Gillespie, \*Wright, \*Rudder, \*Calfee, \*Williams, \*Halford, \*Hicks T, \*Alexander, \*Cochran, \*Russell, \*Moody, \*Hawk, \*Hulse, \*Todd, \*Sexton J, \*Garrett, \*Moon, \*Holsclaw, \*Doggett, \*Sparks, \*Powers, \*Hurt, \*Reedy, \*Gant, \*Faison, \*Kumar, \*Eldridge, \*Leatherwood, \*Marsh, \*Vaughan, \*Boyd, \*Hall, \*Haston, \*Ogles, \*Lynn. (SB623 by \*Bell)

Further consideration of Senate Bill No. 623, previously considered on April 28, 2021, at which time it was rereferred to the Education Administration Committee.

On motion, House Bill No. 580 was made to conform with **Senate Bill No. 623**; the Senate Bill was substituted for the House Bill.

Rep. Ragan moved that Senate Bill No. 623 be passed on third and final consideration.

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Rep. White requested that Education Administration Committee Amendment No. 1 be placed at the heel of the amendments.

Rep. White moved adoption of Education Administration Committee Amendment No. 2 as follows:

### **Amendment No. 2**

AMEND Senate Bill No. 623 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-102, is amended by deleting subsections (a) and (b) and substituting:

(a) The system of public education in this state is governed in accordance with laws enacted by the general assembly and under rules, policies, standards, and guidelines adopted by the state board of education that are necessary for the proper operation of public education in pre-kindergarten through grade twelve (pre-K-12). The state board shall formulate the rules, policies, standards, and guidelines with assistance from the commissioner of education, as the state board may request.

(b) The commissioner shall perform the duties assigned to the commissioner by law and is responsible for the administration, implementation, supervision, and enforcement of the rules, policies, standards, and guidelines of the state board of education.

SECTION 2. Tennessee Code Annotated, Section 49-1-201(c)(14), is amended by deleting the subdivision.

SECTION 3. Tennessee Code Annotated, Section 49-1-201(c), is amended by deleting subdivision (19) and substituting:

(19) Inspect, approve, and classify private schools in accordance with the rules of the state board of education;

SECTION 4. Tennessee Code Annotated, Section 49-1-201(c), is amended by deleting subdivision (20) and substituting:

(A) Prepare and present to the state board of education for its approval, disapproval, or amendment rules that are necessary to implement the policies, standards, or guidelines of the state board or the education laws of the state;

(B) In the absence of the state board, the commissioner shall have, if necessary, the emergency rulemaking authority provided for in the Uniform Administrative Procedures Act, compiled in title 4, chapter 5; and

(C) The commissioner may prepare and promulgate, without board approval, rules that are solely necessary for the internal administrative operation and functions of the department. The department's authority does not supersede

the powers of the state board and may be used only in performance of the commissioner's administrative responsibilities;

SECTION 5. Tennessee Code Annotated, Section 49-1-211, is amended by deleting subsection (a) and substituting instead the following:

(a) The commissioner of education shall annually publish information on the department's website, including, but not limited to:

(1) The results of state-conducted compliance and performance audits of LEAs;

(2) Value-added assessment organized by grade band, school, and LEA;

(3) School performance indicators including performance on the Tennessee comprehensive assessment program (TCAP), dropout rates, the number of waivers granted pursuant to § 49-1-201(d), local financial contribution to education, attendance rates, and other indicators of school performance adopted by the state board of education;

(4) School and LEA performance designations pursuant to § 49-1-602;

(5) A comparison of expenditures by category and program for each LEA with statewide averages;

(6) Student dropout rates organized by school and LEA, disaggregated by sex and race;

(7) Student suspension and expulsion rates organized by school and LEA, disaggregated by sex and race;

(8) High school graduation rates organized by high school and LEA, disaggregated by sex and subgroup pursuant to applicable federal law. The high school graduation information must be placed on the annual state, LEA, and school-level report cards posted on the department's website;

(9) Alternative school performance indicators as reported to the department by LEAs pursuant to § 49-6-3405;

(10) A list of the advanced placement (AP) courses offered in each LEA and a list of the AP courses offered in each of the LEA's schools serving grades in which AP courses may be taken;

(11) The number of students taking AP courses and the percentage of students scoring three (3) or above on AP exams organized by each school and LEA serving grades in which AP courses may be taken;

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(12) A list of the dual enrollment courses offered in each school and LEA and the number of dual enrollment courses taken by students enrolled in each of the LEA's schools serving grades in which dual enrollment courses may be taken;

(13) The percentage of students successfully completing dual enrollment courses, which must be reported by the LEA and by the school serving grades in which dual enrollment courses may be taken;

(14) ACT academic achievement data, including the number and percentage of students with a twenty-one (21) composite score or higher and the number and percentage of students meeting the college readiness benchmark in English, mathematics, reading, and science for each LEA and high school with at least ten (10) students taking the exam. The data shall not contain private or individual student information. The data must be included on the department's website; provided, that it is received by the department from ACT; and

(15) SAT college-bound seniors district profile for each LEA with at least twenty-five (25) students taking the SAT. The data shall not contain private or individual student information. The data must be included on the department's website; provided, that it is received by the department from the college board.

SECTION 6. Tennessee Code Annotated, Section 49-1-211, is amended by deleting subsections (b) and (c) and substituting instead the following:

(b) TCAP scores reported pursuant to subdivision (a)(3), or otherwise, must be disaggregated by subgroup.

SECTION 7. Tennessee Code Annotated, Section 49-1-302(a)(13), is amended by deleting the subdivision.

SECTION 8. Tennessee Code Annotated, Section 49-1-303, is amended by deleting the section.

SECTION 9. Tennessee Code Annotated, Section 49-1-1007, is amended by deleting the language "By July 1, 2017, and each July 1 thereafter," and substituting instead the language "By October 1, 2021, and each October 1 thereafter,".

SECTION 10. Tennessee Code Annotated, Section 49-2-116(d), is amended by deleting the last sentence.

SECTION 11. Tennessee Code Annotated, Section 49-2-406, is amended by deleting the section and substituting instead the following:

Each director of schools or local board of education shall make all reports required by the commissioner of education.

SECTION 12. Tennessee Code Annotated, Section 49-6-5001(a), is amended by deleting the language ", subject to the approval of the public health council,".

SECTION 13. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) The governing body of the University of Tennessee system, the state university and community college system, or a state university may lease public lands under the governing body's jurisdiction to fraternities and sororities for a nominal consideration for a term not to exceed ninety-nine (99) years. A majority of the governing body may direct the chancellor, president, or chair of the governing body to execute the leases on behalf of the public institution of higher education; provided, that the leases are approved by the governor and the attorney general and reporter. A governing body shall consent in writing before a lease under this section is assigned or the premises are sublet or subleased. Prior to the commencement of the construction or installation of any improvement, the governing body shall approve the plans and specifications pertaining to the improvement. The governing body shall approve material alterations and all additions to the improvements constructed or installed on the premises prior to the commencement of the alterations or additions. The governing body shall promulgate rules for the operation and maintenance of the leased properties. At the end of the term of any lease, and in the event that any lessee violates the lessee's lease agreement or any rule adopted pursuant to this section, or violates this section, the lease terminates and the improved premises become the exclusive property of the governing body. The governing body shall take possession of the property. The lease may contain a provision for an option to renew the lease when the lease expires upon the conditions that the premises are not needed for use for other purposes in connection with the state's educational program and the building and improvements are suitable for occupancy without major repairs, remodeling, or alterations in accordance with the generally accepted standards for housing prevailing at public institutions of higher education. If the governing body does not renew a lease at the end of the term, then the governing body may pay the lessee the reasonable value of the improvements; however, in the event that the lease is not renewed, the title to the improvements vests in the state, and the state shall take possession of the premises, including the improvements, upon the expiration of the term.

(b) Any construction or installation of any improvements upon the property of a public institution of higher education by a fraternity or sorority pursuant to a lease agreement with the governing body is exempt from § 4-15-102(c), and from the Prevailing Wage Act for State Highway Construction Projects, compiled in title 12, chapter 4, part 4; provided, that the fraternity or sorority shall solicit competitive bids for the construction or installation and shall award the construction or installation contract to the lowest qualified bidder unless the fraternity or sorority can secure the work from alumni or supporters at a lesser cost than the lowest qualified bid.

SECTION 14. Tennessee Code Annotated, Section 49-1-305, is amended by deleting subsection (b) and substituting:

(b) The state board's staff is subject to personnel rules and policies that are applicable to state employees in general, including leave, compensation, classification, and travel rules and policies. The state board controls the work of

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the executive director and may terminate the executive director's employment. The state board and the executive director, in accordance with subsection (a), have the sole authority to appoint, terminate, and control staff employees. The board's employees do not have preferred service status.

SECTION 15. Tennessee Code Annotated, Section 49-1-607, is amended by deleting the section and substituting:

A person found to have violated security guidelines for administration of the Tennessee comprehensive assessment program (TCAP) test, or a successor test, including making or distributing unauthorized copies of the test, altering a grade or answer sheet, providing copies of answers or test questions, or otherwise compromising the integrity of the testing process must be placed on immediate suspension, and such actions constitute grounds for dismissal, including dismissal of tenured employees. Such actions are grounds for revocation of state licensure.

SECTION 16. Tennessee Code Annotated, Section 49-1-703, is amended by deleting the language "state board of education" and substituting the language "department of education".

SECTION 17. Tennessee Code Annotated, Section 49-2-202(a)(4), is amended by deleting the language "GED®" wherever it appears and substituting the language "GED® or HiSET®".

SECTION 18. Tennessee Code Annotated, Section 49-5-108(c)(5), is amended by deleting the language "supervisor, principal, or" wherever it appears.

SECTION 19. Tennessee Code Annotated, Section 49-5-108, is amended by deleting subsection (e) and substituting:

(e) Institutions with authorized teacher training programs shall ensure that persons seeking licensure in this state receive appropriate instruction in the teaching of reading.

SECTION 20. Tennessee Code Annotated, Section 49-5-111, is amended by deleting subsection (a) and substituting:

(a) Educational assistants shall have, at a minimum, a high school diploma, GED®, or HiSET®, and shall show demonstrable proficiency in reading and writing skills.

SECTION 21. Tennessee Code Annotated, Section 49-5-411(b), is amended by deleting subdivision (4) and substituting:

(4) If the state board of education finds that a teacher has broken the teacher's contract, then the state board may suspend the teacher's license for no less than thirty (30) days and no more than three hundred sixty-five (365) days;

SECTION 22. Tennessee Code Annotated, Section 49-6-108, is amended by deleting subdivision (7).

SECTION 23. Tennessee Code Annotated, Section 49-6-3001, is amended by deleting subsections (a) and (b) and substituting:

(a) The public schools are free to all persons residing within the state who are above five (5) years of age, or who will become five (5) years of age on or before August 15.

(b)

(1) Any child residing within the state who is five (5) years of age, or who will become five (5) years of age on or before August 15, may enter the public school designated by the local board of education having appropriate jurisdiction at the beginning of the term; provided, that the child enters within thirty (30) days after the opening day of the term.

(2)

(A) Any child who will not become five (5) years of age until after December 31 shall not enter school during that school year; provided, that LEAs having semiannual promotions may admit, at the beginning of any semester, children who will become five (5) years of age within sixty (60) days following the opening of the semester.

(B) Notwithstanding subdivision (b)(2)(A), if the director of schools finds through evaluation and testing, at the request of the parent or legal guardian, that a child who is five (5) years of age on or before September 30 is sufficiently mature emotionally and academically, then the child may be permitted to enter kindergarten.

(3) Where a student meets the requirements of the state board of education for transfer or admission purposes, the student may be admitted by a local board of education, notwithstanding any other provision or act to the contrary.

SECTION 24. Tennessee Code Annotated, Section 49-6-3001(c)(2)(B), is amended by deleting the first sentence of the subdivision and substituting:

Is enrolled and making satisfactory progress in a course leading to a GED® or HiSET® from a state-approved institution or organization, or who has obtained a GED® or HiSET®.

SECTION 25. Tennessee Code Annotated, Section 49-6-3001(d), is amended by deleting the subsection.

SECTION 26. Tennessee Code Annotated, Section 49-6-3017(b)(1), is amended by deleting the subdivision and substituting:



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(1) Enrolled and making satisfactory progress in a course leading to a GED® or HiSET® from a state-approved institution or organization, or has obtained a GED® or HiSET®;

SECTION 27. Tennessee Code Annotated, Section 49-6-3017(d), is amended by deleting the language "GED®" and substituting "GED®, HiSET®".

SECTION 28. Tennessee Code Annotated, Section 49-6-3017(f), is amended by deleting the language "GED®" wherever it appears and substituting "GED® or HiSET®".

SECTION 29. Tennessee Code Annotated, Section 49-6-3050(a)(2), is amended by deleting subdivision (B) and substituting:

(B) Parent-teachers who register with an organization, as defined by § 49-50-801, for conducting a home school for students in grades nine through twelve (9-12) must possess at least a high school diploma, GED®, or HiSET®.

SECTION 30. Tennessee Code Annotated, Section 49-6-3050(b)(4), is amended by deleting the subdivision and substituting:

(4) Possession of a high school diploma, GED®, or HiSET® by the parent-teacher;

SECTION 31. Tennessee Code Annotated, Section 49-6-3110, is amended by deleting the section.

SECTION 32. Tennessee Code Annotated, Section 49-6-5002, is amended by deleting subsection (b).

SECTION 33. Tennessee Code Annotated, Section 49-6-6001(g), is amended by deleting the language "general equivalency development credential (GED®)" and substituting "GED® or HiSET®".

SECTION 34. Tennessee Code Annotated, Section 49-6-8103(c)(2), is amended by deleting the language "eighteen (18) credits" and substituting "seventeen (17) credits".

SECTION 35. Tennessee Code Annotated, Section 49-13-110, is amended by deleting subsection (d) and substituting:

(d) The governing body of the public charter school may petition the authorizer to amend the original charter agreement. The state board of education shall determine the timelines for approval and the appeal process until 11:59 p.m. on June 30, 2021. Beginning July 1, 2021, the commission shall determine the timelines for approval and the appeal process. If the authorizer is the state board of education or the commission, then an appeal shall not be made of the state board of education's or the commission's decision to deny a petition to amend the charter agreement. The governing body of a public charter school may petition the authorizer for voluntary termination of the charter agreement before the charter agreement expires.

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SECTION 36. Tennessee Code Annotated, Section 4-5-231, is amended by adding the following language as a new subsection:

(c) Subsection (b) does not apply to the state board of education.

SECTION 37. Tennessee Code Annotated, Section 49-1-1002(b)(1), is amended by deleting the language "Section 49-6-1005(a) and the" and substituting "The".

SECTION 38. Tennessee Code Annotated, Section 49-3-318(b)(1), is amended by deleting the language "The system shall consist of three (3) grant programs as follows:" and substituting instead the language "The system consists of the following grant programs:".

SECTION 39. Tennessee Code Annotated, Section 49-7-2109, is amended by deleting subsection (d).

SECTION 40. Tennessee Code Annotated, Section 49-1-302(a), is amended by deleting subdivision (16) and substituting:

(16) Develop and adopt a uniform grading system to be implemented in all public schools in the state for purposes of calculating the cumulative grade point averages of students who are seeking financial academic assistance provided by the state. The state board may promulgate rules for the administration of this subdivision (a)(16);

SECTION 41. Tennessee Code Annotated, Section 49-1-302(a)(11), is amended by deleting the language "and regulations prepared by the commissioner".

SECTION 42. Tennessee Code Annotated, Section 49-1-302(a)(2), is amended by deleting the word "policies" and substituting the language "rules and policies".

SECTION 43. Tennessee Code Annotated, Section 49-1-302(a)(5)(A), is amended by deleting the word "policies" and substituting the language "rules and policies".

SECTION 44. Tennessee Code Annotated, Section 49-1-302(a)(6), is amended by deleting the word "policies" and substituting the language "rules and policies".

SECTION 45. Tennessee Code Annotated, Section 49-1-302(a)(7), is amended by deleting the word "policies" and substituting the language "rules and policies".

SECTION 46. Tennessee Code Annotated, Section 49-1-302(a), is amended by deleting subsection (8) and substituting:

(8) Approve all academic standards and adopt rules and policies governing courses of study in the public schools;

SECTION 47. Tennessee Code Annotated, Section 49-1-302(a)(12), is amended by deleting the word "policies" and substituting the language "rules and policies".

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SECTION 48. Tennessee Code Annotated, Section 49-1-302(a)(17), is amended by deleting the word "guidelines" and substituting the language "rules, policies, and guidelines".

SECTION 49. Tennessee Code Annotated, Section 49-1-302(d)(2)(A), is amended by deleting the subdivision and substituting:

(A) The committee shall develop and recommend to the board guidelines and criteria for the annual evaluation of all teachers and principals employed by LEAs, including a local level evaluation grievance procedure. This grievance procedure must provide a means for evaluated teachers and principals to challenge only the accuracy of the data used in the evaluation and the adherence to the evaluation policies adopted pursuant to this subdivision (d)(2). Following the development of these guidelines and criteria, the board shall adopt rules and policies. The evaluations must be a factor in employment decisions, including, but not necessarily limited to, promotion, retention, termination, compensation, and the attainment of tenure status; however, this subdivision (d)(2)(A) does not require an LEA to use student achievement data based on state assessments as the sole factor in employment decisions.

SECTION 50. Tennessee Code Annotated, Section 49-5-108(c), is amended by adding the following as a new subdivision:

( ) Notwithstanding any other law, a public school teacher is not required to take an assessment to reactivate a license from this state that has expired if at the time of application to reactivate the license, the public school teacher possesses an active professional license in a state that has a reciprocal agreement with the state board of education pursuant to § 49-5-109.

SECTION 51. Tennessee Code Annotated, Title 49, Chapter 6, Part 10, is amended by adding the following as a new section:

(a) An LEA or public charter school shall not include or promote the following concepts as part of a course of instruction or in a curriculum or instructional program, or allow teachers or other employees of the LEA or public charter school to use supplemental instructional materials that include or promote the following concepts:

(1) One (1) race or sex is inherently superior to another race or sex;

(2) An individual, by virtue of the individual's race or sex, is inherently privileged, racist, sexist, or oppressive, whether consciously or subconsciously;

(3) An individual should be discriminated against or receive adverse treatment because of the individual's race or sex;

(4) An individual's moral character is determined by the individual's race or sex;

(5) An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;

(6) An individual should feel discomfort, guilt, anguish, or another form of psychological distress solely because of the individual's race or sex;

(7) A meritocracy is inherently racist or sexist, or designed by a particular race or sex to oppress members of another race or sex;

(8) This state or the United States is fundamentally or irredeemably racist or sexist;

(9) Promoting or advocating the violent overthrow of the United States government;

(10) Promoting division between, or resentment of, a race, sex, religion, creed, nonviolent political affiliation, social class, or class of people; or

(11) Ascribing character traits, values, moral or ethical codes, privileges, or beliefs to a race or sex, or to an individual because of the individual's race or sex.

(b) Notwithstanding subsection (a), this section does not prohibit an LEA or public charter school from including, as part of a course of instruction or in a curriculum or instructional program, or from allowing teachers or other employees of the LEA or public charter school to use supplemental instructional materials that include:

(1) The history of an ethnic group, as described in textbooks and instructional materials adopted in accordance with part 22 of this chapter;

(2) The impartial discussion of controversial aspects of history;

(3) The impartial instruction on the historical oppression of a particular group of people based on race, ethnicity, class, nationality, religion, or geographic region; or

(4) Historical documents relevant to subdivisions (b)(1) - (3) that are permitted under § 49-6-1011.

(c) If the commissioner of education finds that an LEA or public charter school knowingly violated this section, then the commissioner shall withhold state funds, in an amount determined by the commissioner, from the LEA or public charter school until the LEA or public charter school provides evidence to the commissioner that the LEA or public charter school is no longer in violation of this section.

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SECTION 52. If any provision of Section 51 or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of Section 51, or of this act, that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 53. Section 51 of this act takes effect upon becoming a law, the public welfare requiring it, and applies to the 2021-2022 school year and subsequent school years. All other sections of this act take effect upon becoming a law, the public welfare requiring it.

On motion, Education Administration Committee Amendment No. 2 was adopted.

Rep. White moved that Education Administration Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Dixie moved that Senate Bill No. 623, as amended, be reset for the Regular Calendar on January 20, 2022.

Rep. Ragan moved the motion to the table, which motion prevailed by the following vote:

Ayes .....	67
Noes.....	25

Representatives voting aye were: Alexander, Baum, Boyd, Bricken, Calfee, Campbell S, Carr, Carringer, Casada, Cepicky, Cochran, Crawford, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hurt, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Sherrell, Smith, Sparks, Terry, Todd, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--67

Representatives voting no were: Beck, Camper, Chism, Clemmons, Dixie, Freeman, Hakeem, Hardaway, Harris, Hodges, Jernigan, Johnson C, Johnson G, Lamar, Love, McKenzie, Miller, Mitchell, Parkinson, Powell, Shaw, Stewart, Thompson, Towns, Windle--25

Rep. Warner moved the previous question, which motion prevailed by the following vote:

Ayes .....	67
Noes.....	26

Representatives voting aye were: Alexander, Baum, Boyd, Bricken, Calfee, Campbell S, Carr, Carringer, Casada, Cepicky, Cochran, Crawford, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sherrell, Smith, Sparks, Terry, Todd, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--67

Representatives voting no were: Beck, Camper, Chism, Clemmons, Dixie, Freeman, Hakeem, Hardaway, Harris, Hodges, Jernigan, Johnson G, Lamar, Love, Mannis, McKenzie, Miller, Mitchell, Parkinson, Powell, Sexton J, Shaw, Stewart, Thompson, Towns, Windle--26

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Rep. Ragan moved that **Senate Bill No. 623**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	69
Noes.....	23
Present and not voting.....	1

Representatives voting aye were: Alexander, Baum, Boyd, Bricken, Calfee, Campbell S, Carr, Carringer, Casada, Cepicky, Cochran, Crawford, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Sherrell, Smith, Sparks, Terry, Todd, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--69

Representatives voting no were: Beck, Camper, Chism, Clemmons, Dixie, Freeman, Hakeem, Hardaway, Harris, Hodges, Jernigan, Johnson G, Lamar, Love, Mannis, McKenzie, Miller, Mitchell, Parkinson, Powell, Shaw, Stewart, Towns--23

Representatives present and not voting were: Thompson--1

A motion to reconsider was tabled.

**House Bill No. 357** -- Judicial Districts - As introduced, removes antiquated language regarding the advisory task force on the composition of judicial districts, which was required to submit a report and cease to exist December 1, 2019. - Amends TCA Title 8; Title 16; Title 17 and Title 18. by \*Curcio. (\*SB222 by \*Hensley, \*Roberts)

On motion, House Bill No. 357 was made to conform with **Senate Bill No. 222**; the Senate Bill was substituted for the House Bill.

Rep. Curcio moved that Senate Bill No. 222 be passed on third and final consideration.

Rep. Jernigan moved that Civil Justice Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Curcio moved that **Senate Bill No. 222** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	91
Noes.....	0

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns,

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Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--91

A motion to reconsider was tabled.

**House Bill No. 1515** -- Local Government, General - As introduced, requires local governments to report, no later than February 1, 2022, to the general assembly the number of business licenses issued to places of accommodation for transients for calendar year 2021. - Amends TCA Title 5; Title 6; Title 7; Title 13; Title 67 and Title 68. by \*Cochran. (\*SB1030 by \*Briggs)

On motion, House Bill No. 1515 was made to conform with **Senate Bill No. 1030**; the Senate Bill was substituted for the House Bill.

Rep. Cochran moved that Senate Bill No. 1030 be passed on third and final consideration.

Rep. Crawford moved that Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Hazlewood moved adoption of Finance, Ways, and Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

**Amendment No. 2**

AMEND Senate Bill No. 1030 by deleting the last section and substituting instead the following:

SECTION \_\_. This act takes effect July 1, 2021, the public welfare requiring it.

On motion, Finance, Ways, and Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Cochran moved that **Senate Bill No. 1030**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	57
Noes.....	15
Present and not voting.....	16

Representatives voting aye were: Alexander, Boyd, Bricken, Calfee, Camper, Carr, Carringer, Casada, Cochran, Crawford, Curcio, Darby, Eldridge, Faison, Farmer, Freeman, Garrett, Gillespie, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Johnson C, Keisling, Kumar, Lamberth, Leatherwood, Littleton, Mannis, Marsh, McKenzie, Moody, Moon, Powers, Ramsey, Reedy, Rudder, Russell, Sexton J, Sherrell, Smith, Sparks, Terry, Vaughan, Weaver, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--57

Representatives voting no were: Clemmons, Dixie, Hakeem, Hardaway, Harris, Hodges, Johnson G, Lamar, Miller, Mitchell, Parkinson, Shaw, Stewart, Towns, Windle--15

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Representatives present and not voting were: Baum, Campbell S, Cepicky, Chism, Doggett, Gant, Grills, Hurt, Lafferty, Lynn, Ogles, Ragan, Rudd, Thompson, Todd, Warner--16

A motion to reconsider was tabled.

**\*House Bill No. 157** -- Taxes, Sales - As introduced, extends provisions related to the apportionment and distribution of state tax revenue as they pertain to National Hockey League franchises until June 30, 2049. - Amends TCA Title 67. by \*Beck, \*Freeman, \*Crawford. (SB481 by \*Haile, \*Gilmore)

On motion, House Bill No. 157 was made to conform with **Senate Bill No. 481**; the Senate Bill was substituted for the House Bill.

Rep. Beck moved that **Senate Bill No. 481** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	75
Noes.....	4
Present and not voting.....	4

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Chism, Clemmons, Cochran, Crawford, Darby, Dixie, Eldridge, Faison, Farmer, Freeman, Gant, Gillespie, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lamar, Lamberth, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Moody, Moon, Parkinson, Powell, Ragan, Ramsey, Reedy, Rudder, Russell, Shaw, Sherrell, Smith, Stewart, Thompson, Towns, Vaughan, Warner, Weaver, White, Whitson, Windle, Wright, Zachary, Mr. Speaker Sexton--75

Representatives voting no were: Doggett, Grills, Powers, Sexton J--4

Representatives present and not voting were: Leatherwood, Ogles, Rudd, Sparks--4

A motion to reconsider was tabled.

**\*House Bill No. 798** -- Tort Liability and Reform - As introduced, requires that actions against a governmental entity for injury to person or property based on a deficiency in the design, planning, supervision, or construction of an improvement to a road or sidewalk or a trolley or light rail system be brought within four years after substantial completion of the improvement. - Amends TCA Title 29, Chapter 20. by \*Chism, \*Cooper, \*Thompson. (SB1417 by \*Akbari, \*Campbell, \*Kelsey)

On motion, House Bill No. 798 was made to conform with **Senate Bill No. 1417**; the Senate Bill was substituted for the House Bill.

Rep. Chism moved that Senate Bill No. 1417 be passed on third and final consideration.

Rep. Jernigan moved that Civil Justice Committee Amendment No. 1 be withdrawn, which motion prevailed.



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Rep. Chism moved that **Senate Bill No. 1417** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 87  
Noes..... 0

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Freeman, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Terry, Thompson, Todd, Towns, Vaughan, Warner, Weaver, White, Whitson, Windle, Wright, Mr. Speaker Sexton--87

A motion to reconsider was tabled.

**House Bill No. 1509** -- Human Services, Dept. of - As introduced, authorizes the department to utilize alternative methodologies to determine the cost of day care when setting the annual day care reimbursement rate. - Amends TCA Title 71. by \*McKenzie, \*Ramsey, \*Whitson, \*Marsh, \*Hardaway, \*Stewart, \*Dixie, \*Camper, \*Clemmons. (\*SB1104 by \*Yarbro, \*Akbari, \*Haile)

On motion, House Bill No. 1509 was made to conform with **Senate Bill No. 1104**; the Senate Bill was substituted for the House Bill.

Rep. McKenzie moved that Senate Bill No. 1104 be passed on third and final consideration.

Rep. Terry moved that Health Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. McKenzie moved that **Senate Bill No. 1104** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 90  
Noes..... 0

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Vaughan, Warner, Weaver, White, Whitson, Windle, Wright, Zachary, Mr. Speaker Sexton--90

A motion to reconsider was tabled.

**House Bill No. 1534** -- Teachers, Principals and School Personnel - As introduced, creates a new practitioner license for persons seeking to become licensed teachers; requires the state board of education to approve alternative teacher endorsement and licensure pathways. - Amends TCA Title 49. by \*Weaver, \*Reedy, \*Todd, \*Moody, \*Powers. (\*SB653 by \*Bowling)

Rep. Weaver moved that House Bill No. 1534 be passed on third and final consideration.

Rep. White moved adoption of Education Administration Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1534 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-5-108(d), is amended by adding the following as a new subdivision:

(3)

(A) The state board of education shall approve a process for an LEA, or for two (2) or more LEAs working together, to establish a district teacher training program for the purpose of recommending eligible educators for endorsements. An educator must possess an active Tennessee professional teaching license and must be employed by an LEA participating in the program to be eligible to participate in a program established under this subdivision (d)(3).

(B) The state board shall establish the minimum requirements for district teacher training programs; provided, that the minimum requirements must allow eligible educators to add endorsement areas to the educator's license.

(C) District teacher training programs established under this subdivision (d)(3) must certify to the department of education that the eligible educator has met the requirements established by the state board for the endorsement.

(D) The state board shall not require an eligible educator seeking an endorsement through a district teacher training program to enroll in a teacher preparation program in order to receive the endorsement. This subdivision (d)(3) does not prohibit a district teacher training program from partnering with a teacher preparation program approved by the state board.

(E)

(i)

(a) To ensure the quality of an educator who receives an endorsement under this subdivision (d)(3), the state board shall require the eligible educator to take an assessment pursuant to the state board's rules and policies.

(b) Subdivision (d)(3)(E)(i)(a) does not apply to an educator who has six (6) or more years of teaching experience and who earned an overall performance effectiveness level of "above expectations" or "significantly above expectations" on the educator's most recent evaluation pursuant to § 49-1-302(d).

(ii) Notwithstanding subdivision (d)(3)(E)(i)(b), an educator seeking an endorsement under § 49-5-5619 is required to take an assessment before the educator may receive the endorsement.

(F) The department of education shall create a process for the review of district teacher training programs established under this subdivision (d)(3) pursuant to the state board's rules and policies.

SECTION 2. The state board of education is authorized to promulgate rules necessary to effectuate the purposes of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. Section 1 of this act takes effect July 1, 2022, the public welfare requiring it. All remaining sections of this act take effect upon becoming a law, the public welfare requiring it.

On motion, Education Administration Committee Amendment No. 1 was adopted.

Rep. Weaver moved that **House Bill No. 1534**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	85
Noes.....	0
Present and not voting.....	1

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Moody, Moon, Ogles, Parkinson, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--85

**TUESDAY, MAY 4, 2021 – THIRTY-THIRD LEGISLATIVE DAY**

Representatives present and not voting were: Johnson G--1

A motion to reconsider was tabled.

**\*House Bill No. 780** -- Professions and Occupations - As introduced, makes various changes affecting certain professional boards and professions, including court reporters, motor vehicle dealers, barbers, certain apprentices, scrap metal dealers, locksmiths, and other professions. - Amends TCA Title 4; Title 20; Title 47; Title 55; Title 56; Title 62 and Title 68. by \*Lamberth, \*Gant, \*Todd, \*Smith. (SB771 by \*Johnson, \*Southerland, \*Stevens)

On motion, House Bill No. 780 was made to conform with **Senate Bill No. 771**; the Senate Bill was substituted for the House Bill.

Rep. Gant moved that Senate Bill No. 771 be passed on third and final consideration.

Rep. Vaughan moved that Commerce Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Gant moved that **Senate Bill No. 771** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	86
Noes .....	1

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Vaughan, Warner, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--86

Representatives voting no were: Hardaway--1

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **Senate Bill No. 771** and have this statement entered in the Journal: Rep. J. Sexton.

REGULAR CALENDAR, CONTINUED

**House Bill No. 1383** -- Pensions and Retirement Benefits - As introduced, requires board of trustees for the Tennessee consolidated retirement system to prepare and submit a report to the council on pensions and insurance as to the number of members retired by the board of trustees on a disability retirement allowance and whose disability determination resulted from their service as law enforcement officers. - Amends TCA Title 4, Chapter 7; Title 8, Chapter 25; Title 8, Chapter 34; Title 8, Chapter 35; Title 8, Chapter 36 and Title 8, Chapter 37. by \*Todd, \*Russell, \*Ogles, \*Moon, \*Halford, \*Windle, \*Sherrell, \*Smith, \*Moody, \*Hawk, \*Doggett, \*Marsh, \*Crawford, \*Howell, \*Littleton, \*Carringer, \*Hurt, \*Lynn, \*Haston, \*Warner, \*White, \*Helton, \*Freeman, \*Terry, \*Powers, \*Powell, \*Lafferty, \*Keisling, \*Love. (\*SB1185 by \*Jackson, \*Pody)

On motion, House Bill No. 1383 was made to conform with **Senate Bill No. 1185**; the Senate Bill was substituted for the House Bill.

Rep. Todd moved that Senate Bill No. 1185 be passed on third and final consideration.

Rep. Keisling moved adoption of State Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1185 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 36, Part 8, is amended by adding the following as a new section:

(a) As used in this section, "law enforcement officer" means a member of the Tennessee highway patrol, or a police officer, sheriff, or sheriff's deputy employed full time by a municipality or political subdivision of this state, or a police officer, agent, or investigator previously employed full time by the state, whose primary responsibility is the prevention and detection of crime and apprehension of offenders.

(b) Notwithstanding any law to the contrary, a law enforcement officer retired for at least nine (9) months from the Tennessee consolidated retirement system, from a superseded system administered by the state, or from a local retirement fund pursuant to chapter 35, part 3 of this title may accept employment as a law enforcement officer without loss or suspension of retirement benefits under the following conditions:

(1) The retired member has successfully completed annual training required by title 38, chapter 8, part 1, and as required by the Tennessee peace officer standards and training commission;

(2) The employing law enforcement agency and retired member notify the retirement division upon hiring the retired member and submit such information on proper documents as required by the retirement division;

(3) The employing law enforcement agency certifies in writing to the retirement division that the retired member has the requisite experience and training for the position to be filled;

(4) The retired member is not eligible to accrue additional retirement benefits as a result of such employment;

(5) The retired member must not receive automatic credit for years of experience in determining compensation; provided, that the salary paid to such retired member for serving as a law enforcement officer must not be less than the rate of compensation set by the employing law enforcement agency for law enforcement officers with no experience filling similar positions, nor may such salary exceed eighty-five percent (85%) of the rate of compensation set by the employing law enforcement agency for law enforcement officers with comparable training and years of experience filling similar positions. Once such compensation is set, the retired member is not entitled to police pay supplements authorized under § 38-8-111; and

(6) The retired member's appointment to serve as a law enforcement officer cannot exceed one (1) year. The retired member may be reappointed to additional one-year periods; provided, that the conditions contained in this section are met for each such reappointment, including the certifications required in subdivision (b)(3).

(c) Payments must be made by appropriation of funds by the retired member's employing law enforcement agency, in the case of a municipality or political subdivision, for the purpose of:

(1) Making a payment equal to the amount the employer would have contributed had the retired member been a member of the retirement system for the position during the period of employment; or

(2) Paying an additional amount as determined by the board of trustees of the Tennessee consolidated retirement system required to fund the liability created by this section; provided, that such amount is not less than five percent (5%) of the retired member's pay rate.

(d) This section does not prohibit any retired member or prior class member of the Tennessee consolidated retirement system, or a retiree of a local retirement fund receiving benefits in accordance with chapter 35, part 3 of this title from returning to service temporarily in a position covered by the Tennessee consolidated retirement system pursuant to § 8-36-805.

(e) This section is repealed on July 1, 2023.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

On motion, State Government Committee Amendment No. 1 was adopted.

**TUESDAY, MAY 4, 2021 – THIRTY-THIRD LEGISLATIVE DAY**

Rep. Todd moved that **Senate Bill No. 1185**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 89  
Noes ..... 0

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Vaughan, Warner, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--89

A motion to reconsider was tabled.

**\*House Bill No. 869** -- Public Health - As introduced, authorizes the general assembly to end a state of emergency that was declared because of a public health emergency by the passage of a joint resolution; requires the governor to provide certain information to the general assembly relative to a declared state of emergency based on a public health emergency. - Amends TCA Title 4; Title 5; Title 6; Title 7; Title 8; Title 58, Chapter 2 and Title 68. by \*Zachary, \*Hazlewood, \*Howell, \*Boyd, \*Moody, \*Hurt, \*Sherrell, \*Cochran, \*Grills, \*Hall, \*Eldridge, \*Reedy, \*Smith, \*Todd, \*Doggett, \*Helton, \*Cepicky, \*Terry, \*Littleton. (SB859 by \*Haile, \*Bowling)

Rep. Zachary moved that House Bill No. 869 be passed on third and final consideration.

Rep. Keisling moved adoption of State Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 869 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 58-2-101, is amended by adding the following as a new subdivision:

( ) "Public health emergency" means an occurrence or the imminent threat of an illness or health condition caused by bioterrorism, epidemic, or pandemic disease, or a novel and highly fatal infectious agent or biological toxin that poses a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability.

SECTION 2. Tennessee Code Annotated, Title 58, Chapter 2, Part 1, is amended by adding the following as a new section:

(a) Notwithstanding any law to the contrary, this section applies to a public health emergency. A provision of law relating to emergency management that does not conflict with this section applies to a public health emergency.

(b) If the governor declares a state of emergency based on a public health emergency, there is created a legislative council that is composed of:

(1) As ex officio members:

(A) The speaker of each house;

(B) The majority leader of each house;

(C) The minority leader of each house;

(D) The majority caucus chair of each house; and

(2) As members appointed by each respective speaker, one (1) member representing each grand division of the state.

(c)

(1) The governor shall not declare a state of emergency or issue an executive order in response to a public health emergency that extends for more than sixty (60) days.

(2) If the governor wishes to extend a state of emergency or executive order longer than sixty (60) days, the governor shall seek approval of the extension from the general assembly. The general assembly may grant the extension by the passage of a joint resolution.

(3) If the general assembly is not in session during the period the state of emergency is declared, the legislative council may authorize the governor to extend the state of emergency or executive order by fifteen (15) days by a two-thirds (2/3) vote of the legislative council. The legislative council may authorize subsequent extensions of the state of emergency or executive order in the same manner until the general assembly convenes into session, at which time an extension of such state of emergency or executive order must only be extended in accordance with subdivision (c)(2).

(d)

(1) The general assembly may end a state of emergency or executive order that is based on a public health emergency by the passage of a joint resolution.

(2) If the general assembly is not in session during the period the state of emergency is declared or on the date of the issuance of the executive order, the legislative council may suspend the state of



emergency or executive order after being in effect for at least thirty (30) days by a two-thirds (2/3) vote of the legislative council.

(3) The suspension under subdivision (d)(2) remains in effect until the general assembly is called into special session for the purpose of addressing the state of emergency or executive order. Upon the call into special session, the state of emergency or executive order is in effect until the general assembly acts on the call of the special session or the state of emergency or executive order expires on the date specified in the declaration or order.

(e) For a five-day period before authorizing the extension of a state of emergency or executive order under subdivision (c)(3) or suspending a state of emergency or executive order under subdivision (d)(2), the legislative council shall request from executive branch departments, and the departments shall provide, information the legislative council deems relevant in deciding whether to extend or suspend the state of emergency or executive order. The departments shall respond to the requests for information in a timely manner.

(f) At least twenty-four (24) hours prior to the governor declaring a state of emergency based on a public health emergency or issuing an executive order related to the public health emergency, the governor shall provide notice to the general assembly detailing the justifications for the declaration and the expected cost and duration of the declaration. The notice must be provided in person or via conference call or other electronic means.

(g) During a declared public health emergency, the department of health shall provide biweekly reports to the joint government operations committee regarding the status of the public health emergency and updates on the cost of the response to the public health emergency and any other relevant matters.

SECTION 2. This act takes effect January 10, 2023, the public welfare requiring it.

On motion, State Government Committee Amendment No. 1 was adopted.

Rep. Zachary moved that **House Bill No. 869**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 70  
Noes..... 18

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Carr, Carringer, Casada, Cepicky, Cochran, Crawford, Curcio, Darby, Doggett, Faison, Farmer, Gant, Garrett, Gillespie, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, Miller, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Terry, Todd, Vaughan, Warner, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--70

**TUESDAY, MAY 4, 2021 – THIRTY-THIRD LEGISLATIVE DAY**

Representatives voting no were: Camper, Chism, Clemmons, Dixie, Freeman, Hakeem, Hardaway, Harris, Hodges, Johnson G, Lamar, Love, McKenzie, Mitchell, Parkinson, Powell, Stewart, Thompson--18

A motion to reconsider was tabled.

**House Bill No. 1389** -- Economic and Community Development, Dept. of - As introduced, requires the department to review for possible funding resources and develop strategies for improvements for non-fish and game recreational activities, in conjunction with the Tennessee wildlife resources agency and the department of environment and conservation, and report its findings to the governor and the general assembly by January 1, 2022. - Amends TCA Title 4; Title 69 and Title 70. by \*Todd, \*Reedy, \*Hurt. (\*SB1080 by \*Roberts, \*Rose, \*Pody)

On motion, House Bill No. 1389 was made to conform with **Senate Bill No. 1080**; the Senate Bill was substituted for the House Bill.

Rep. Todd moved that Senate Bill No. 1080 be passed on third and final consideration.

Rep. Halford moved that Agriculture & Natural Resources Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Todd moved that **Senate Bill No. 1080** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	89
Noes .....	0

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Vaughan, Warner, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--89

A motion to reconsider was tabled.

**House Bill No. 1593** -- Public Contracts - As introduced, requires the Tennessee advisory commission on intergovernmental relations (TACIR) to perform a study regarding disparities in the issuance of state contracts to businesses owned and operated by African Americans, and to report its findings no later than January 31, 2022. - Amends amend TCA Title 12, Chapter 4, Part 1. by \*Miller, \*Camper, \*Cooper, \*Hardaway, \*Stewart, \*Lamar, \*Thompson, \*Love, \*McKenzie, \*Clemmons, \*Mannis. (\*SB1235 by \*Gilmore)

## TUESDAY, MAY 4, 2021 – THIRTY-THIRD LEGISLATIVE DAY

Rep. Camper moved that **House Bill No. 1593** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 85  
Noes ..... 0

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Curcio, Darby, Dixie, Doggett, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Vaughan, Warner, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--85

A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **House Bill No. 1593** and have this statement entered in the Journal: Rep. Towns.

### REGULAR CALENDAR, CONTINUED

**\*House Bill No. 948** -- Hospitals and Health Care Facilities - As introduced, increases from 15 to 30 days the period in which a party or any member of the health services and development agency may file notice to request the agency review an action of the executive director. - Amends TCA Title 4; Title 56; Title 68 and Title 71. by \*Boyd, \*Vaughan, \*Smith, \*Gant, \*Sparks, \*Hall, \*Helton, \*Ramsey, \*Reedy, \*Todd, \*Howell. (SB1281 by \*Reeves, \*Jackson, \*Walley)

Rep. Boyd moved that House Bill No. 948 be passed on third and final consideration.

Rep. Terry moved adoption of Health Committee Amendment No. 1 as follows:

#### Amendment No. 1

AMEND House Bill No. 948 by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, Part 16, is amended by deleting the part and substituting:

#### **68-11-1601. Short title.**

This part is known and may be cited as the "Tennessee Health Services and Planning Act of 2021."

**68-11-1602. Part definitions.**

As used in this part:

(1) "Agency" and "health services and development agency" mean the agency created by this part to develop the criteria and standards to guide the agency when issuing certificates of need; to conduct studies related to health care, including needs assessments; and to administer the certificate of need program and related activities;

(2) "Certificate of need" means a permit granted by the health services and development agency to a person for those services specified as requiring a certificate of need under § 68-11-1607 at a designated location;

(3) "Conflict of interest" means a matter before the agency in which the member or employee of the agency has a direct interest or indirect interest that is in conflict or gives the appearance of conflict with the discharge of the member's or employee's duties;

(4) "Department" means the department of health;

(5) "Direct interest" means a pecuniary interest in the persons involved in a matter before the agency, and applies to the agency member or employee, the agency member's or employee's relatives, or an individual with whom or business in which the member or employee has a pecuniary interest. As used in this subdivision (5), "relative" means a spouse, parent, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, or nephew by blood, marriage, or adoption;

(6) "Ex parte communications" means communications in violation of § 4-5-304 or § 68-11-1607(d);

(7) "Facility" means real property owned, leased, or used by a healthcare institution for any purpose, other than as an investment;

(8) "Health service" means clinically related services, such as diagnostic, treatment, or rehabilitative services, and includes those services specified as requiring a certificate of need under § 68-11-1607;

(9) "Healthcare institution":

(A) Means an agency, institution, facility, or place, whether publicly or privately owned or operated, that provides health services and that is one (1) of the following:

(i) A nursing home;

(ii) A hospital;

- (iii) An ambulatory surgical treatment center;
- (iv) An intellectual disability institutional habilitation facility;
- (v) A home care organization, or a category of service provided by a home care organization for which authorization is required under part 2 of this chapter;
- (vi) An outpatient diagnostic center;
- (vii) A rehabilitation facility;
- (viii) A residential hospice; or
- (ix) A nonresidential substitution-based treatment center for opiate addiction; and

(B) Does not include:

- (i) A ground ambulance;
- (ii) A home for the aged;
- (iii) A premises occupied exclusively as the professional practice office of a:
  - (a) Physician licensed pursuant to title 63, chapter 6, part 2 or title 63, chapter 9; or
  - (b) Dentist licensed by this state and controlled by the physician or dentist;
- (iv) An administrative office building of a public agency related to healthcare institutions;
- (v) A Christian Science sanatorium operated, or listed and certified, by the First Church of Christ Scientist, Boston, Massachusetts;
- (vi) A mental health residential treatment facility; or
- (vii) A mental health hospital;

(10) "Home care organization" means an entity licensed as such by the department that is staffed and organized to provide "home health services" or "hospice services," as defined by § 68-11-201, to patients in either the patient's regular or temporary place of residence;

(11) "Indirect interest" means a personal interest in the persons involved in a matter before the agency that is in conflict with the discharge of the agency member's or employee's duties;

(12) "Letter of intent" means the form prescribed by the agency that requires a brief project description, location, estimated project cost, owner of the project, and description of services to be performed;

(13) "Licensed beds" means the number of beds licensed by the agency having licensing jurisdiction over the facility in which the beds are located;

(14) "Needs assessment" means an annual report that measures access to health care in this state, particularly as to emergency and primary care; identifies access gaps; and serves to inform the criteria and standards for the issuance of certificates of need;

(15) "Nonresidential substitution-based treatment center for opiate addiction" includes, but is not limited to, stand-alone clinics offering methadone, products containing buprenorphine such as Subutex and Suboxone, or products containing any other formulation designed to treat opiate addiction by preventing symptoms of withdrawal;

(16) "Nursing home" has the same meaning as defined in § 68-11-201;

(17) "Nursing home bed" means:

(A) A licensed bed within a nursing home, regardless of whether the bed is certified for medicare or medicaid services; and

(B) A bed at a healthcare institution used as a swing bed under 42 C.F.R. § 485.645;

(18) "Patient" includes, but is not limited to, a person who has an acute or chronic physical or mental illness or injury; who is convalescent, infirm, or has an intellectual or physical disability; or who is in need of obstetrical, surgical, medical, nursing, psychiatric, or supervisory care;

(19) "Pediatric patient" means a patient who is fourteen (14) years of age or younger;

(20) "Person":

(A) Means an individual, a trust or an estate, a firm, a partnership, an association, a stockholder, a joint venture, a corporation or other form of business organization, the state of Tennessee and its political subdivisions or parts of political subdivisions, and any combination of persons specified in this subdivision (20), public or private; and

(B) Does not include the United States or an agency or instrumentality of the United States, except in the case of voluntary submission to the rules established pursuant to this part;

(21) "Planning division" and "state health planning division" mean the state health planning division of the department, which is created by this part to develop the state health plan and conduct other related studies;

(22) "Rehabilitation facility" means an inpatient or residential facility that is operated for the primary purpose of assisting in the rehabilitation of physically disabled persons through an integrated program of medical and other services that is provided under professional supervision;

(23) "Review cycle" means the timeframe set for the review and initial decision on applications for certificate of need applications that have been deemed complete, with the fifteenth day of the month being the first day of the review cycle; and

(24) "State health plan" means the plan that is developed by the state health planning division pursuant to this part.

**68-11-1603. Policy.**

It is declared to be the public policy of this state that the establishment and modification of healthcare institutions, facilities, and services must be accomplished in a manner that promotes access to necessary, high quality, and cost-effective services for the health care of the people of this state. To this end, this section applies equitably to all healthcare entities, regardless of ownership or type, except those owned and operated by the United States government.

**68-11-1604. Health services and development agency — Creation — Composition — Appointments — Terms — Compensation — Officers — Meetings — Conflict of interest.**

(a) There is created a health services and development agency that has jurisdiction and powers relating to the certificate of need program; the development of the criteria and standards to guide the agency when issuing certificates of need; conducting of studies related to health care, which must include a needs assessment; and related reporting of healthcare institutions subject to this chapter.

(b)

(1) The agency consists of eleven (11) members, including:

(A) The comptroller of the treasury, or an employee of the office of the comptroller of the treasury designated by the comptroller;

(B) The state director of TennCare, or its successor, or an employee of the division of TennCare, or its successor, designated by the director;

(C) The commissioner of commerce and insurance, or an employee of the department of commerce and insurance designated by the commissioner;

(D) One (1) consumer member appointed by the speaker of the senate;

(E) One (1) consumer member appointed by the speaker of the house of representatives; and

(F) Six (6) members appointed by the governor, to include:

(i) One (1) person who has recent experience as an executive officer of a hospital or hospital system who may be appointed from lists of qualified persons submitted by interested hospital groups, including, but not limited to, the Tennessee Hospital Association;

(ii) One (1) representative of the nursing home industry who may be appointed from lists of qualified persons submitted by interested healthcare groups, including, but not limited to, the Tennessee Health Care Association;

(iii) One (1) duly licensed physician who may be appointed from lists of qualified persons submitted by interested medical groups, including, but not limited to, the Tennessee Medical Association;

(iv) One (1) representative of the home care industry who may be appointed from lists of qualified persons submitted by interested home care groups, including, but not limited to, the Tennessee Association for Home Care. The initial term for the home care industry representative is two (2) years. Upon the expiration of that term, the home care industry representative is appointed for a three-year term pursuant to subsection (c);

(v) One (1) consumer member; and

(vi) One (1) representative of the ambulatory surgical treatment center industry.

(2) The governor shall consult with interested groups, including, but not limited to, the organizations listed in subdivision (b)(1) to determine qualified persons to fill positions with the agency.



(3) In making appointments to the health services and development agency, the governor and the speakers shall strive to ensure that racial minorities, females, persons sixty (60) years of age and older, and the three (3) grand divisions are represented.

(4) The consumer members must be persons who are knowledgeable of health needs and services and who are further knowledgeable by training or experience in healthcare facility design or construction, financing of healthcare services or construction, reimbursement of healthcare services, or general healthcare economics. The consumer members shall not be a direct provider of healthcare goods or services.

(c)

(1) A member of the agency shall not serve beyond the expiration of the member's term, whether or not a successor has been appointed by the governor or the speakers of the senate and the house of representatives.

(2) Except for the comptroller of the treasury, the commissioner of commerce and insurance, and the director of TennCare, or their respective designees, agency members are appointed for three-year terms, and a member shall not serve more than two (2) consecutive three-year terms.

(3) If a member is absent from three (3) consecutive, regularly scheduled public meetings of the agency, then the individual's membership is automatically terminated, and the position is considered as vacant.

(d)

(1) Each member of the agency shall receive fifty dollars (\$50.00) per diem when actually engaged in the discharge of the member's official duties, and in addition, shall be reimbursed for all travel and other necessary expenses. However, agency members who are state employees shall not receive per diem, but must be reimbursed for all travel and other necessary expenses.

(2) Expenditures must be claimed and paid in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration, and approved by the attorney general and reporter.

(e)

(1) At the first meeting in each fiscal year, the agency shall elect officers. The chair of the agency must be a consumer member to serve a term of two (2) years. A member of the agency may serve as vice chair,

which is a term of one (1) year. A member shall not serve two (2) consecutive terms as vice chair.

(2) Meetings of the agency must be held as frequently as its duties may require.

(3) Six (6) members constitute a quorum, but a vacancy on the agency does not impair its power to act.

(4) An action of the agency is not effective unless the action is concurred in by a majority of agency members present and voting.

(5) In the event of a tie vote, the action is considered disapproved.

(6) The agency shall record by name the votes taken on all actions of the agency.

(7)

(A) All agency members shall annually review and sign a statement acknowledging the statute, rules, and policies concerning conflicts of interest.

(B)

(i) A member, upon determining that a matter scheduled for consideration by the agency results in a conflict with a direct interest, shall immediately notify the executive director and is recused from any deliberation of the matter, from making any recommendation, from testifying concerning the matter, or from voting on the matter. The member shall join the public during the proceedings.

(ii) A member with an indirect interest shall publicly acknowledge such interest.

(iii) All members shall make every reasonable effort to avoid even the appearance of a conflict of interest. If a member is uncertain whether the relationship justifies recusal, then the member shall follow the determination by the legal counsel for the agency.

(iv) A determination by the agency or a court that a member of the agency with a direct interest failed to provide notice and be recused from deliberations of the matter, from making any recommendation, from testifying concerning the matter, or from voting on the matter, results in the member's automatic termination from the agency and the position is considered vacant. The member is not

eligible for appointment to any agency, board, or commission of this state for a period of two (2) years.

(v) The executive director, upon determining that a conflict exists for the executive director or a member of the staff, shall notify the chair of the agency and take such action as the chair prescribes and pursuant to this part.

**68-11-1605. Powers and duties of agency.**

In addition to the powers granted elsewhere in this part, the agency has the duty and responsibility to:

(1) Develop criteria and standards to guide the agency when issuing certificates of need that are:

(A) Based, in whole or in part, upon input the agency received during development of the criteria and standards from the division of TennCare, or its successor; the departments of health, mental health and substance abuse services, and intellectual and developmental disabilities; the health and welfare committee of the senate; and the health committee of the house of representatives;

(B) Evaluated and updated not less than once every five (5) years; and

(C) Developed by rule in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5;

(2) Receive and consider applications for certificates of need, to review recommendations on certificates of need, and to grant or deny certificates of need on the basis of the merits of the applications within the context of the local, regional, and state health needs, including, but not limited to, the criteria and standards developed in accordance with this part;

(3) Conduct studies related to health care, including a needs assessment that must be updated at least annually;

(4) Promulgate rules and policies deemed necessary by the agency for the fulfillment of its duties and responsibilities under this part, including a procedure for the issuance of a certificate of need upon an emergency application if an unforeseen event necessitates the issuance of a certificate of need to protect the public health, safety, and welfare, and if the public health, safety, and welfare would be unavoidably jeopardized by compliance with the procedures established under this part;

(5) Contract when necessary for the development of criteria and standards to guide the agency when issuing certificates of need and for

the implementation of the certificate of need program described in this part;

(6) Weigh and consider access to quality health care and the healthcare needs of consumers, particularly those in underserved communities; those who are uninsured or underinsured; women and racial and ethnic minorities; TennCare or medicaid recipients; and low-income groups whenever the agency performs its duties or responsibilities assigned by law; and

(7) Issue exemptions from the voiding of a certificate of need and an activity authorized by the certificate of need pursuant to § 68-11-1609(i), if the actions the certificate of need authorizes are not performed for a continuous period of one (1) year after the date the certificate of need is implemented.

**68-11-1606. Executive director of agency — Appointment — Salary — Duties — Delegation of authority — Review.**

(a) The agency shall appoint an executive director qualified by education and experience. The executive director must demonstrate knowledge and experience in the areas of public administration and health policy development.

(b) The agency shall fix the salary of the executive director, who serves at the pleasure of the agency. The executive director is the chief administrative officer of the agency and the appointing authority, exercising general supervision over all persons employed by the agency.

(c) The executive director has the following duties:

(1) Administering the development of criteria and standards to guide the agency when issuing certificates of need;

(2) Administering the certificate of need program;

(3) Conducting studies related to health care;

(4) Representing the agency before the general assembly;

(5) Overseeing the issuance of responses to requests for determination regarding the applicability of this part;

(6) Issuing exemptions from the requirement that a certificate of need be obtained for the relocation of existing or certified facilities providing healthcare services and healthcare institutions under § 68-11-1607(a)(4);

(7) Keeping a written record of proceedings and transactions of the agency, which must be open to public inspection during regular office hours;

(8) Preparing the agenda, including consent and emergency calendars, and notice to the general public of all meetings and public hearings of the agency;

(9) Employing personnel, within the agency's budget, to assist in carrying out this part;

(10) Carrying out policies and rules that are promulgated by the agency and supervising the expenditure of funds;

(11) Submitting an annual report, no later than January 15 of each year, to the chairs of the health and welfare committee of the senate and the health committee of the house of representatives that includes, but is not limited to, a comparison of the actual payer mix and uncompensated care provided by certificate of need holders with the projections the holders submitted in the holder's certificate of need application; and

(12) Submitting to the chairs of the health and welfare committee of the senate and health committee of the house of representatives no later than January 1, 2023, a plan:

(A) Developed by the executive director;

(B) To consolidate into a health facilities commission the powers and duties of the agency with those of the board for licensing health care facilities established under part 2 of this chapter; and

(C) For which agencies of this state shall provide assistance to the executive director following a request by the executive director.

(d) In addition to the duties provided in subsection (c), the agency has the authority to delegate, and it is the intent of the general assembly that the agency exercise the authority to delegate the following responsibilities and duties to the executive director:

(1) Granting deferral of applications for certificates of need in accordance with § 68-11-1609; and

(2) Granting approval or denial of modifications, changes of conditions or ownership, and extensions of certificates of need in accordance with this part.

(e) A delegation of authority pursuant to subsection (d) continues until specifically revoked by the agency as a result of a determination that revocation is necessary to ensure the proper and orderly operation of the agency.

(f) The executive director shall, within two (2) business days, notify the agency of an action taken pursuant to a delegation of authority under subsection (d).

(g)

(1) The agency shall review an action by the executive director, if:

(A) The executive director receives a written request for agency review; or

(B) An agency member requests agency review.

(2)

(A) If a request for agency review pursuant to subdivision (g)(1) is received within fifteen (15) days of the date the executive director provides notice of the action pursuant to subsection (f), then the action does not become final until the agency has rendered its final decision.

(B) If a request for agency review is not received pursuant to subdivision (g)(1), then the executive director's action becomes final as if the action was taken by the agency.

(h)

(1) An agency review of an action taken by the executive director must be conducted at the next regularly scheduled agency meeting that is scheduled for a date no less than two (2) weeks after the date the request for review is received pursuant to subsection (g).

(2) Agency review of an action by the executive director is de novo.

(3) The agency shall use the then-current edition of Robert's Rules of Order as the rules of parliamentary procedure applicable to an agency review of an action taken by the executive director.

**68-11-1607. Certificate of need — Applications — Exemptions — Registration of equipment — Critical access hospital designation.**

(a) A person shall not perform the following actions in this state, except after applying for and receiving a certificate of need for the action:

(1) The construction, development, or other establishment of any type of healthcare institution as described in this part;

(2) In the case of a healthcare institution, a change in the bed complement, regardless of cost, that:

(A) Increases by one (1) or more the number of nursing home beds;

(B) Redistributes beds from any category to acute, rehabilitation, or long-term care, if at the time of redistribution the healthcare institution does not have beds licensed for the category to which the beds will be redistributed; or

(C) Relocates beds to another facility or site;

(3) Initiation of the following healthcare services:

(A) Burn unit;

(B) Neonatal intensive care unit;

(C) Open heart surgery;

(D) Organ transplantation;

(E) Cardiac catheterization;

(F) Linear accelerator;

(G) Home health;

(H) Hospice; or

(I) Opiate addiction treatment provided through a nonresidential substitution-based treatment center for opiate addiction;

(4)

(A) Except as provided in subdivision (a)(4)(B), a change in the location of existing or certified facilities providing healthcare services and healthcare institutions. However, the executive director may issue an exemption for the relocation of existing healthcare institutions and approved services if the executive director determines that:

(i)

(a) At least seventy-five percent (75%) of patients to be served are reasonably expected to reside in the same zip codes as the existing patient population; and

(b) The relocation will not reduce access to consumers, particularly those in underserved communities; those who are uninsured or

underinsured; women and racial and ethnic minorities; TennCare or medicaid recipients; and low-income groups;

(ii) The executive director must notify the agency of an exemption granted pursuant to subdivision (a)(4)(A)(i) within two (2) business days of the date the executive director grants the exemption;

(iii) An exemption granted by the executive director pursuant to subdivision (a)(4)(A)(i) is subject to agency review in the same manner as described in § 68-11-1606(g) and (h);

(B) The relocation of the principal office of a home health agency or hospice within its licensed service area does not require a certificate of need;

(5) Except as otherwise provided in subdivision (m)(2) and subsection (u), the following actions in a county with a population of one hundred seventy-five thousand (175,000) or less, according to the 2010 federal census or any subsequent federal census:

(A) Initiation of magnetic resonance imaging services; or

(B) Increasing the number of magnetic resonance imaging machines, except for replacing or decommissioning an existing machine;

(6) Establishing a satellite emergency department facility or a satellite inpatient facility by a hospital at a location other than the hospital's main campus; and

(7) Except as otherwise provided in subsection (u), the initiation of positron emission tomography in a county with a population of one hundred seventy-five thousand (175,000) or less, according to the 2010 federal census or any subsequent federal census.

(b) An agency of this state, or of a county or municipal government, shall not approve a grant of funds for, or issue a license to, a healthcare institution for a portion or activity of the healthcare institution that is established, modified, relocated, changed, or resumed, or that constitutes a covered healthcare service, in violation of this part. If an agency of this state, or of a county or municipal government, approves a grant of funds for, or issues a license to, a person or institution for which a certificate of need was required but was not granted, then the license is void and the person or institution shall refund the funds to the state within ninety (90) days. The health services and development agency has the authority to impose civil penalties and petition a circuit or chancery court having jurisdiction to enjoin a person who is in violation of this part.

(c)



(1) For each application, a letter of intent must be filed between the first day of the month and the fifteenth day of the month prior to the application's submission. At the time of filing, the applicant shall cause the letter of intent to be published in a newspaper of general circulation in the proposed service area of the project. The published letter of intent must contain a statement that any:

(A) Healthcare institution wishing to oppose the application must file written notice with the agency no later than fifteen (15) days before the agency meeting at which the application is originally scheduled; and

(B) Other person wishing to oppose the application may file a written objection with the agency at or prior to the consideration of the application by the agency, or may appear in person to express opposition.

(2) Persons desiring to file a certificate of need application seeking a simultaneous review regarding a similar project for which a letter of intent has been filed shall file with the agency a letter of intent between the sixteenth day of the month and the last day of the month of publication of the first filed letter of intent. A copy of a letter of intent filed after the first letter of intent must be mailed or delivered to the first filed applicant and must be published in a newspaper of general circulation in the proposed service area of the first filed applicant. The health services and development agency shall consider and decide the applications simultaneously. However, the agency may refuse to consider the applications simultaneously if it finds that the applications do not meet the requirements of "simultaneous review" under the rules of the agency.

(3) Applications for a certificate of need, including simultaneous review applications, must be filed by the first business day of the month following the date of publication of the letter of intent.

(4) If there are two (2) or more applications to be reviewed simultaneously in accordance with this part and the rules of the agency, and one (1) or more of those applications is not deemed complete by the deadline to be considered at the next agency meeting, then the other applications that are deemed complete by the deadline must be considered at the next agency meeting. The application or applications that are not deemed complete by the deadline to be considered at the next agency meeting will not be considered with the applications deemed complete by the deadline to be considered at the next agency meeting.

(5) Review cycles begin on the fifteenth day of each month. Review cycles are thirty (30) days. The first meeting at which an application can be considered by the agency is the meeting following the application's review cycle. If an application is not deemed complete within sixty (60) days after initial written notification is given to the applicant by agency staff that the application is deemed incomplete, then

the application is void. If the applicant decides to resubmit the application, then the applicant shall comply with all procedures as set out by this part and pay a new filing fee when submitting the application. Prior to deeming an application complete, the executive director shall ensure independent review and verification of information submitted to the agency in applications, presentations, or otherwise. The purpose of the independent review and verification is to ensure that the information is accurate, complete, comprehensive, timely, and relevant to the decision to be made by the agency. The independent review and verification must be applied to, but not necessarily be limited to, applicant-provided information as to the number of available beds within a region, occupancy rates, the number of individuals on waiting lists, the demographics of a region, the number of procedures, and other critical information submitted or requested concerning an application; and staff examinations of data sources, data input, data processing, and data output, and verification of critical information.

(6) An application filed with the agency must be accompanied by a nonrefundable examination fee fixed by the rules of the agency.

(7) Information provided in the application or information submitted to the agency in support of an application must be true and correct. Substantive amendments to the application, as defined by rule of the agency, are not allowed.

(8) An applicant shall designate a representative as the contact person for the applicant and shall notify the agency, in writing, of the contact person's name, address, and telephone number. The applicant shall immediately notify the agency in writing of any change in the identity or contact information of the contact person. In addition to any other method of service permitted by law, the agency may serve by registered or certified mail any notice or other legal document upon the contact person at the person's last address of record in the files of the agency. Notwithstanding a law to the contrary, service in the manner specified in this subdivision (c)(8) constitutes actual service upon the applicant.

(9)

(A) Within ten (10) days of the filing of an application for a nonresidential substitution-based treatment center for opiate addiction with the agency, the applicant shall send a notice to the county mayor of the county in which the facility is proposed to be located; the state representative and senator representing the house district and the senate district in which the facility is proposed to be located; and the mayor of the municipality, if the facility is proposed to be located within the corporate boundaries of a municipality, by certified mail, return receipt requested, informing those officials that an application for a nonresidential substitution-based treatment center for opiate addiction has been filed with the agency by the applicant.

(B) If an application involves a healthcare facility in which a county or municipality is the lessor of the facility or real property on which it sits, then within ten (10) days of filing the application, the applicant shall notify the chief executive officer of the county or municipality of the filing, by certified mail, return receipt requested.

(C) An application subject to the notification requirements of this subdivision (c)(9) is not complete if the applicant has not provided proof of compliance with this subdivision (c)(9) to the agency.

(d) Communications with the members of the agency are not permitted once the letter of intent initiating the application process is filed with the agency. Communication between agency members and agency staff is not prohibited. Any communication received by an agency member from a person unrelated to the applicant or party opposing the application must be reported to the executive director, and a written summary of the communication must be made part of the certificate of need file.

(e) For purposes of this part, agency action is the same as administrative action defined in § 3-6-301.

(f)

(1) Notwithstanding this section to the contrary, Tennessee state veterans' homes under title 58, chapter 7, are not required to obtain a certificate of need pursuant to this section.

(2) Notwithstanding this section to the contrary, the beds located in a Tennessee state veterans' home pursuant to title 58, chapter 7, must not be considered by the health services and development agency when granting a certificate of need to a healthcare institution due to a change in the number of licensed beds, redistributing beds, or relocating beds pursuant to this section.

(g) After a person holding a certificate of need has completed the actions for which the certificate of need was granted, the time to complete activities authorized by the certificate of need expires.

(h) The owners of the following types of equipment shall register the equipment with the health services and development agency: computerized axial tomographers, magnetic resonance imagers, linear accelerators, and positron emission tomography. The registration must be in a manner and on forms prescribed by the agency and must include ownership, location, and the expected useful life of the equipment. Registration must occur within ninety (90) days of acquisition of the equipment. All such equipment must be filed on an annual inventory survey developed by the agency. The survey must include, but not be limited to, the identification of the equipment and utilization data according to source of payment. The survey must be filed no later than thirty (30) days following the end of each state fiscal year. The agency may impose a penalty not to exceed fifty dollars (\$50.00) for each day the survey is late.

(i) Notwithstanding this section to the contrary, an entity, or its successor, that was formerly licensed as a hospital, and that has received from the commissioner of health a written determination that it will be eligible for designation as a critical access hospital under the medicare rural hospital flexibility program, is not required to obtain a certificate of need to establish a hospital qualifying for that designation, if it meets the requirements of this subsection (i). In order to qualify for the exemption set forth in this subsection (i), the entity proposing to establish a critical access hospital shall publish notice of its intent to do so in a newspaper of general circulation in the county where the hospital will be located and in contiguous counties. The notice must be published at least twice within a fifteen-day period. The written determination from the department of health and proof of publication required by this subsection (i) must be filed with the agency within ten (10) days after the last date of publication. If no healthcare institution within the same county or contiguous counties files a written objection to the proposal with the agency within thirty (30) days of the last publication date, then the exemption set forth in this subsection (i) applies. However, this exemption applies only to the establishment of a hospital that qualifies as a critical access hospital under the medicare rural flexibility program and not to any other activity or service. If a written objection by a healthcare institution within the same county or contiguous counties is filed with the agency within thirty (30) days from the last date of publication, then the exemption set forth in this subsection (i) does not apply.

(j)

(1) Notwithstanding subdivision (a)(2)(A) or (a)(4), a nursing home may increase its total number of licensed beds by the lesser of ten (10) beds or ten percent (10%) of its licensed capacity no more frequently than one (1) time every three (3) years without obtaining a certificate of need. The nursing home shall provide written notice of the increase in beds to the agency on forms provided by the agency prior to the request for licensing by the board for licensing health care facilities.

(2) For new nursing homes, the ten-bed or ten-percent increase cannot be requested until one (1) year after the date all of the new beds were initially licensed.

(3) When determining projected county nursing home bed need for certificate of need applications, all notices filed with the agency pursuant to subdivision (j)(1), with written confirmation from the board for licensing health care facilities that a request and application for license has been received and a review has been scheduled, must be considered with the total of licensed nursing home beds, plus the number of beds from approved certificates of need, but yet unlicensed.

(k) This part does not require a certificate of need for a home care organization that is authorized to provide only professional support services as defined in § 68-11-201.

(l) Except as provided in subsection (w), a home care organization may only initiate hospice services after applying for and receiving a certificate of need for providing hospice services.

(m)

(1) A person who provides magnetic resonance imaging services shall file with the agency an annual report no later than thirty (30) days following the end of each state fiscal year that details the mix of payers by percentage of cases for the prior calendar year for its patients, including private pay, private insurance, uncompensated care, charity care, medicare, and medicaid.

(2) In a county with a population in excess of one hundred seventy-five thousand (175,000), according to the 2010 federal census or a subsequent federal census, a person who initiates magnetic resonance imaging services shall notify the agency in writing that imaging services are being initiated and shall indicate whether magnetic resonance imaging services will be provided to a patient who is fourteen (14) years of age or younger on more than five (5) occasions per year.

(n)

(1) An application for certificate of need for organ transplantation must separately:

(A) Identify each organ to be transplanted under the application; and

(B) State, by organ, whether the organ transplantation recipients will be adult patients or pediatric patients.

(2) After an initial application for transplantation has been granted, the addition of a new organ to be transplanted or the addition of a new recipient category requires a separate certificate of need. The application must:

(A) Identify the organ to be transplanted under the application; and

(B) State whether the organ transplantation recipients will be adult patients or pediatric patients.

(3)

(A) For the purposes of certificate of need approval for organ transplantation programs under this part, a program submitted to the United Network for Organ Sharing (UNOS) by January 1, 2017, is not required to obtain a certificate of need.

(B) If the organ transplantation program ceases to be a UNOS-approved program, then a certificate of need is required.

(o)

(1) Within two (2) years after the date of receiving a certificate of need, an outpatient diagnostic center must become accredited by the American College of Radiology in the modalities provided by that facility as a condition of receiving the certificate of need.

(2) An outpatient diagnostic center that fails to comply with the accreditation requirement of subdivision (o)(1) is subject to licensure sanction under § 68-11-207 as a violation of part 2 of this chapter or of the rules, regulations, or minimum standards issued pursuant to part 2 of this chapter.

(p)

(1) Notwithstanding this title to the contrary, a certificate of need is not required for a hospital to operate a nonresidential substitution-based treatment center for opiate addiction if the treatment center is located on the same campus as the operating hospital and the hospital is licensed under title 33 or this title.

(2) For purposes of this subsection (p), "campus" has the same meaning as defined in 42 CFR § 413.65.

(q)

(1) This part does not require a certificate of need for actions in a county that, as of January 1, 2021:

(A) Is designated as an economically distressed eligible county by the department of economic and community development pursuant to § 67-6-104, as updated annually; and

(B) Has no hospital that is actively licensed under this title located within the county.

(2)

(A) A person that provides positron emission tomography services or magnetic resonance imaging services pursuant to this subsection (q) must be accredited by The Joint Commission or the American College of Radiology in the modalities provided by that person and submit proof of the accreditation to the agency within two (2) years of the initiation of service.

(B) A person that provides positron emission tomography services or magnetic resonance imaging services pursuant to this subsection (q) and that fails to comply with the accreditation

requirement of subdivision (q)(2)(A) is subject to licensure sanction under § 68-11-207 as a violation of part 2 of this chapter or of the rules, regulations, or minimum standards issued pursuant to part 2 of this chapter.

(r)

(1) This part does not require a certificate of need to establish a home health agency limited to providing home health services under the federal Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) (42 U.S.C. § 7384, et seq.), or a subsequent amendment, revision, or modification to the EEOICPA. A license issued by the department pursuant to this subsection (r) for services under the EEOICPA must be limited to the provision of only those services. A home health agency providing home health services without a certificate of need pursuant to this subsection (r) must be accredited by The Joint Commission, the Community Health Accreditation Partner, or the Accreditation Commission for Health Care and submit proof of such accreditation to the agency within two (2) years of the initiation of service.

(2) A home health agency that provides home health services without a certificate of need pursuant to this subsection (r) and that fails to comply with the accreditation requirement of subdivision (r)(1) is subject to licensure sanction under § 68-11-207 as a violation of part 2 of this chapter or of the rules, regulations, or minimum standards issued pursuant to part 2 of this chapter.

(s)

(1) This part does not require a certificate of need to establish a home health agency limited to providing home health services to patients less than eighteen (18) years of age. A license issued by the department pursuant to this subsection (s) for the provision of home health services to patients under eighteen (18) years of age must be limited to the provision of only those services.

(2) The agency may permit a home health agency providing home health services to patients under eighteen (18) years of age to continue providing home health services to the patient until the patient reaches twenty-one (21) years of age if:

(A) The patient received home health services from the home health agency prior to the date the patient reached eighteen (18) years of age; and

(B) The home health services are provided under a TennCare program.

(3)

(A) A home health agency that provides home health services without a certificate of need pursuant to this subsection (s) must, within two (2) years of the initiation of service, be accredited by and submit proof to the agency of the accreditation from:

(1) An accrediting organization with deeming authority from the federal centers for medicare and medicaid services;

(2) The Joint Commission;

(3) The Community Health Accreditation Partner;

or

(4) The Accreditation Commission for Health Care.

(B) A home health agency that provides home health services without a certificate of need pursuant to this subsection (s) and that fails to comply with the accreditation requirement of subdivision (s)(3)(A) is subject to licensure sanction under § 68-11-207 as a violation of part 2 of this chapter or of the rules, regulations, or minimum standards issued pursuant to part 2 of this chapter.

(t) This part does not require a certificate of need in order for an existing hospital licensed by the department of mental health and substance abuse services to become licensed by the department of health as a satellite of an affiliated general acute care hospital as provided by § 33-2-403(b)(8)(B).

(u)

(1) This part does not require a certificate of need to establish or operate the following in a county with a population in excess of one hundred seventy-five thousand (175,000), according to the 2010 federal census or a subsequent federal census:

(A) Initiation of magnetic resonance imaging services, or increasing the number of magnetic resonance imaging machines used, as long as magnetic resonance imaging services are not provided to a patient who is fourteen (14) years of age or younger on more than five (5) occasions per year; or

(B) Initiation of positron emission tomography.

(2)

(A) A provider of positron emission tomography established without a certificate of need pursuant to this subsection (u) must become accredited by the American College



of Radiology and provide to the agency proof of the accreditation within two (2) years of the date of licensure.

(B) A provider of positron emission tomography established without a certificate of need pursuant to this subsection (u) and that fails to comply with the accreditation requirement of subdivision (u)(3)(A) is subject to licensure sanction under § 68-11-207 as a violation of part 2 of this chapter or of the rules, regulations, or minimum standards issued pursuant to part 2 of this chapter.

(v)

(1) A person who performs the following actions shall file an annual report as described in this subsection (v) with the health services and development agency:

(A) Cardiac catheterization;

(B) Open heart surgery;

(C) Organ transplantation;

(D) Operation of a burn unit;

(E) Operation of a neonatal intensive care unit;

(F) Provision of home health services; or

(G) Provision of hospice services.

(2) The annual report required by subdivision (v)(1) must be submitted in a manner and on forms prescribed by the agency, and must include utilization data according to source of payment and zip codes of patient origin.

(3) A person required to submit an annual report by this subsection (v) must submit the annual report for the period coinciding with the state fiscal year ending June 30, 2021, on or before September 30, 2021. The annual report for each subsequent fiscal year must be submitted to the agency no later than thirty (30) days following the end of each state fiscal year.

(4) The agency may impose a civil penalty not to exceed fifty dollars (\$50.00) per day, for each day an annual report required by this subsection (v) is late.

(w)

(1) This part does not require a certificate of need to establish a home care organization or residential hospice limited to providing hospice

services, as defined in § 68-11-201, to patients under the care of a healthcare research institution, as defined in § 68-11-1901.

(2) A license issued by the department pursuant to the exception created by subdivision (w)(1) must be limited to the provision of services only to the patients of the healthcare research institution, as defined in § 68-11-1901, or the patients of a hospital or clinic that has its principal place of business located in this state and that is affiliated with the healthcare research institution.

(3) A home care organization or residential hospice that provides hospice services without a certificate of need pursuant to subdivision (w)(1) must, within twelve (12) months of the date the home care organization is granted a license by the department, be accredited by The Joint Commission, the Community Health Accreditation Partner (CHAP), DNV GL Healthcare, or the Accreditation Commission for Health Care (ACHC), in order to continue to qualify for the exception created by subdivision (w)(1).

**68-11-1608. Applications on consent or emergency calendars – Authority to grant emergency certificate of need.**

(a) The executive director may place applications to be considered on a consent or emergency calendar established in accordance with agency rule.

(b) The rule must provide that, in order to qualify for the consent calendar, an application must not be opposed by a person with legal standing to oppose and the application must appear to be necessary to provide needed health care in the area to be served, provide health care that meets appropriate quality standards, and demonstrate that the effects attributed to competition or duplication would be positive for consumers. If opposition is stated in writing prior to the application being formally considered by the agency, then the application must be taken off the consent calendar and placed on the next regular agenda, unless waived by the parties.

(c)

(1) If an unforeseen event necessitates action of a type requiring a certificate of need, and the public health, safety, or welfare would be unavoidably jeopardized by compliance with the standard procedures for the application for and granting of a certificate of need, then the agency may issue an emergency certificate of need.

(2) An emergency certificate of need may be issued upon request of the applicant if the executive director and officers of the agency concur, after consultation with the appropriate reviewing agency. Prior to an emergency certificate of need being granted, the applicant must publish notice of the application in a newspaper of general circulation, and agency members must be notified by agency staff of the request.

(3) A decision regarding whether to issue an emergency certificate of need must be considered at the next regularly scheduled agency meeting unless the applicant's request is necessitated by an event that has rendered its facility, equipment, or service inoperable. In that case, the agency's chair and vice chair may act immediately, on behalf of the agency, to consider the application for an emergency certificate of need.

(4) An emergency certificate of need is valid for a period not to exceed one hundred twenty (120) days. However, if the applicant has applied for a certificate of need under standard agency procedures, then an extension of the emergency certificate of need may be granted.

**68-11-1609. Decision on application.**

(a) The agency shall, upon consideration of an application and review of the evaluation and other relevant information:

(1) Approve part or all of the application and grant a certificate of need, upon lawful conditions that the agency deems appropriate and enforceable on the grounds that those parts of the proposal appear to meet applicable criteria. However:

(A) A condition that is placed on a certificate of need, and that appears on the face of the certificate of need when issued, must also be made a condition of any corresponding license issued by the department of health or department of mental health and substance abuse services. Notwithstanding a law to the contrary, the condition survives the expiration of the certificate of need and remains effective until removed or modified by the agency. The condition becomes a requirement of licensure and must be enforced by the respective licensing entity; and

(B) The holder of a license or certificate of need that has a condition placed on it by the agency may subsequently request that the condition be removed or modified, for good cause shown. The agency shall consider the request and determine whether or not to remove or modify the condition. The procedure for requesting a determination must be done as provided by agency rules. If the holder of the license or certificate of need is aggrieved by the agency's decision, then the holder may request a contested case hearing as permitted by this part;

(2) Disapprove part or all of the application and deny a certificate of need on the grounds that the applicant has not affirmatively demonstrated that those parts of the proposal meet the applicable criteria; or

(3) Defer making a decision for no more than ninety (90) days to obtain a clarification of information concerning applications properly

before the agency, if there are no simultaneous review applications being concurrently considered by the agency with the deferred application.

(b) A certificate of need shall not be granted unless the action proposed in the application is necessary to provide needed health care in the area to be served, will provide health care that meets appropriate quality standards, and the effects attributed to competition or duplication would be positive for consumers. In making these determinations, the agency shall use as guidelines the goals, objectives, criteria, and standards adopted to guide the agency in issuing certificates of need. Until the agency adopts its own criteria and standards by rule, those in the state health plan apply. Additional criteria for review of applications must also be prescribed by the rules of the agency.

(c) Activity authorized by a certificate of need must be completed within a period not to exceed three (3) years for hospital and nursing home projects, and two (2) years for all other projects, from the date of its issuance and after such time the certificate of need authorization expires. However, the agency may, in granting the certificate of need, allow longer periods of validity for certificates of need for good cause shown. Subsequent to granting the certificate of need, the agency may extend a certificate of need for a period upon application and good cause shown, accompanied by a nonrefundable reasonable filing fee, as prescribed by rule. A certificate of need authorization that has been extended expires at the end of the extended time period. The decision whether to grant an extension is within the sole discretion of the agency and is not subject to review, reconsideration, or appeal.

(d) If the time period authorized by a certificate of need has expired, then the certificate of need authorization is void. A revocation proceeding is not required. A license or occupancy approval shall not be issued by the department of health or the department of mental health and substance abuse services for an activity for which a certificate of need has become void.

(e) The agency's decision to approve or deny an application is final and shall not be reconsidered after the adjournment of the meeting in which the matter was considered. This subsection (e) does not limit the right to file a petition for a contested case hearing pursuant to § 68-11-1610, nor does it limit the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, pertaining to contested case hearings.

(f) Written notice of the agency decision approving, disapproving, or deferring an application, or parts of an application, must be transmitted to the applicant, simultaneous review applicants, the department of health, the department of mental health and substance abuse services, the department of intellectual and developmental disabilities, and others upon request.

(g)

(1) A healthcare institution wishing to oppose a certificate of need application must be located within a thirty-five-mile radius of the location of the action proposed. A healthcare institution wishing to oppose an application for the establishment of a home care organization, the

modification of a certificate of need issued to a home care organization, or the addition of counties to the licensed service area of an existing home care organization must have served patients in at least one (1) of the counties in the application's proposed service area within the seven hundred thirty (730) days immediately preceding the filing date of the certificate of need application, rather than demonstrate proximity within a thirty-five-mile radius of the location.

(2) Subject to subdivision (g)(1), a healthcare institution wishing to oppose a certificate of need application must file a written objection with the agency specifying reasons why one (1) or more of the criteria of subsection (b) are not satisfied. A healthcare institution wishing to oppose a certificate of need application must serve a copy to the contact person for the applicant, not later than fifteen (15) days before the agency meeting at which the application is originally scheduled. An application for which the agency has received opposition must be designated on the agency's agenda as an opposed application.

(3)

(A) Subject to subdivision (g)(1), a healthcare institution wishing to oppose a certificate of need application may appear before the agency and express opposition to the application as long as the healthcare institution has submitted written opposition in accordance with subdivision (g)(2).

(B) This subsection (g) does not prohibit an individual acting in the individual's capacity as a private citizen from appearing before the agency and expressing opposition to an application.

(4) A healthcare institution or other person expressing opposition to an application does not have a veto over an application. The merits of opposition may be considered by the agency while determining whether to approve or deny a certificate of need application in whole or in part.

(h) The agency shall maintain continuing oversight over a certificate of need that it approves on or after July 1, 2016. Oversight by the agency includes requiring annual reports concerning appropriate quality measures as determined by the agency. The agency may impose conditions on a certificate of need that require the demonstration of compliance with quality measures as long as the conditions for quality measures are not more stringent than those measures identified by the applicant in the applicant's submitted application.

(i)

(1) Notwithstanding a law to the contrary, and except as provided in subdivision (i)(2), a certificate of need and activity the certificate authorizes becomes void if the actions the certificate authorizes have not been performed for a continuous period of one (1) year after the date the certificate of need is implemented. With respect to a home care

organization, this subsection (i) applies to each county for which the home care organization is licensed. A revocation proceeding is not required. The department of health and the department of mental health and substance abuse services shall not issue or renew a license for an activity for which certificate of need authorization has become void.

(2)

(A) The agency may issue a temporary exemption to subdivision (i)(1) upon finding that sufficient cause for the temporary cessation of the activity has been presented to the agency along with a plan to resume the activity in the future.

(B) The agency shall prescribe the procedures for issuing temporary exemptions by rule.

(C) The agency's approval or denial of a temporary exemption is a final agency decision subject to appeal in the chancery court of Davidson County.

(3) This subsection (i) does not apply to the establishment of a healthcare institution or a healthcare institution's number of licensed beds if the healthcare institution has a license issued under this title, whether active or inactive.

(j) If an applicant's application is denied by the agency, then the agency shall provide to the applicant written documentation with an explanation of the factual and legal basis upon which the agency denied the certificate of need.

**68-11-1610. Contested case hearings— Petition — Procedure — Arbitration and mediation alternatives — Orders — Costs.**

(a) Within fifteen (15) days of the approval or denial by the agency of an application, an applicant, a healthcare institution that satisfied the requirements set forth in § 68-11-1609(g), or another person who objected to the application pursuant to § 68-11-1609(g)(2) or (g)(3), may petition the agency in writing for a hearing. The petition must be filed with the executive director. Notwithstanding another law, all persons are barred from filing a petition for a contested case hearing after the fifteen-day period, and the agency has no jurisdiction to consider a late-filed petition. Upon receipt of a timely filed petition, the agency shall initiate a contested case proceeding as provided in this section. At the hearing, no issue may be raised or evidence considered concerning the merits of an applicant considered by simultaneous review, unless the applicant met the requirements of this part, of concurrent consideration with the application that is the subject of the hearing.

(b) The contested case hearing required by this section must be conducted in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, except as otherwise provided in this section.

(c) Contested cases initiated pursuant to this section must be heard by an administrative law judge sitting alone. Petitions for contested cases received by the agency must be forwarded immediately to the administrative division of the secretary of state's office for assignment to an administrative law judge.

(d) The administrative law judge to whom a case has been assigned shall convene the parties for a scheduling conference within fifteen (15) days of the date the petition for contested case is filed. At the scheduling conference, the parties shall state their respective positions on the mediation alternative described in this section. If the parties are unable to agree on a mediation alternative, then the scheduling order for the contested case adopted by the administrative law judge must establish a schedule that results in a hearing completed within one hundred eighty (180) days of the date on which the petition for contested case was received by the agency, with the initial order to be entered within sixty (60) days of the date the hearing is completed. Extensions of time or variances from the scheduling order must be granted sparingly, and only because of unforeseen developments that would cause substantial prejudice to a party.

(e) As an alternative to the contested case process described in subsection (c), the parties may agree to mediation of the issues raised in the contested case. The mediator shall be designated by mutual agreement of the parties. The parties may designate a mediator who is not listed as a qualified Supreme Court Rule 31 mediator, but such mediator shall observe the standards of professional conduct set forth in Appendix A to Supreme Court Rule 31, to the extent applicable. The mediator's fee must be shared equally among the parties, except that the state is not required to contribute to payment of the mediator's fee. If mediation results in agreement of the parties, then the agreement must be memorialized in the order terminating the contested case. A mediation proceeding under this subsection (e) is not subject to the scheduling order requirements set forth in subsection (d).

(f) The general assembly declares the public policy of this state to be that certificate of need contested cases should be resolved through mediation, and the parties to such proceedings are encouraged to pursue this alternative.

(g) Judicial review of the agency's final order in a contested case is as provided by law.

(h) Costs of the contested case proceeding and appeals, including the administrative law judge's costs and deposition costs, such as expert witness fees and reasonable attorney's fees, must be assessed against the losing party in the contested case. If there is more than one (1) losing party, then the costs must be divided equally among the losing parties. Costs shall not be assessed against the agency.

(i) This section governs all contested cases relative to approval or denial decisions by the agency.

(j) If a person, who is not the applicant or the agency, seeks review of a decision in a contested case, then that person shall file an appeal fee equal to

twenty-five percent (25%) of the examination fee for the application that was filed in the case.

**68-11-1611. Review of progress — Revocation of certificate.**

The agency shall, at least annually, review progress on a project covered by an issued certificate of need, and may require a showing by the holder of the certificate of substantial and timely progress to implement the project. If, in the opinion of the executive director, progress is lacking, then the executive director may present a petition for revocation of the certificate of need for the agency's consideration. The agency may revoke the certificate of need based upon a finding that the holder has not proceeded to implement the project in a timely manner.

**68-11-1612. Enjoining violations — Jurisdiction.**

(a) The agency, in addition to the powers and duties expressly granted by this part, is authorized and empowered to petition a circuit or chancery court having jurisdiction to enjoin a person who is performing any of the actions specified in this part without possessing a valid certificate of need.

(b) Jurisdiction is conferred upon the circuit and the chancery courts of this state to hear and determine such causes as chancery causes, and to exercise full and complete jurisdiction in such injunctive proceedings.

**68-11-1613. Appropriation/expenditures impact statement.**

The division of TennCare or its successor, by the fifteenth of each month, shall submit to the chairs of the finance, ways and means committees of the senate and the house of representatives and to the office of legislative budget analysis a statement reflecting the estimated impact on future state appropriations or expenditures of applications approved by the agency the preceding month.

**68-11-1614. Information submitted to agency by commissioners of health, mental health and substance abuse services, and intellectual and developmental disabilities.**

(a) The commissioner of health shall provide the agency with aggregate data from the hospital discharge database and ambulatory surgical treatment center discharge database within seven (7) business days from the commissioner's receipt of a request. The information must include aggregate data by state, county, or zip code, as requested. The information must not include patient identifiers that would lead to a patient's identity, such as name or street address. Information received pursuant to this section must be available for public disclosure by the agency, as long as it does not contain patient identifiers.

(b) The commissioner of mental health and substance abuse services shall provide the agency with aggregate data about nonresidential substitution-based treatment centers for opiate addiction licensed in this state within seven



(7) business days from the commissioner's receipt of a request. The information must include aggregate data about patient origin by state, county, or zip code, as requested, at licensee treatment centers in this state. The information must not include patient identifiers that would lead to a patient's identity, such as name or street address. Information received pursuant to this section must be available for public disclosure by the agency, as long as it does not contain patient identifiers.

(c) The commissioners of health, mental health and substance abuse services, and intellectual and developmental disabilities may submit written reports or statements and they may also send representatives to testify before the agency to inform the agency with respect to applications.

**68-11-1615. Independent review and verification of information for joint annual report.**

The commissioners of health, mental health and substance abuse services, and intellectual and developmental disabilities shall establish policies and procedures to ensure independent review and verification of information submitted by healthcare providers for inclusion in the joint annual report.

**68-11-1616. Violations — Penalties.**

(a) The agency has the power and authority, after notice and an opportunity for a hearing, to impose a civil monetary penalty against a person who performs, offers to perform, or holds such person out as performing an activity for which a certificate of need is required, without first obtaining a valid certificate of need.

(b) The executive director shall initiate a civil penalty proceeding by filing a petition with the agency. The proceeding must be conducted as a contested case hearing in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 3.

(c) The civil penalty is in an amount not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) per day of continued activity or operation. Once a civil penalty has been imposed, the violator has the burden of submitting verifiable evidence satisfactory to the agency that the violator has discontinued the activity for which the civil penalty was imposed. The penalty begins to accrue on the date the agency notified the violator of the violation or violations, and continues to accrue until such evidence of discontinuance is received at the agency office.

(d) An appeal of a final order imposing a civil penalty must be conducted in accordance with the Uniform Administrative Procedures Act.

(e) In determining whether to impose a civil penalty and the amount of the penalty, the agency may consider the following factors:

(1) The economic benefits gained from the activities in question. The agency does not have to show that the violator would not have been granted a certificate of need had one been sought;

(2) Whether the civil penalty and the amount of the penalty will be a substantial economic deterrent to the violator and others;

(3) The circumstances leading to the violation, and whether the violator had notice that the activity was in violation of the certificate of need laws or agency regulations;

(4) The financial resources of the violator, and the violator's ability to pay the penalty; and

(5) The failure to meet a quality standard applicable to the violator.

**68-11-1617. Revocation of certificate of need — Grounds.**

In addition to other grounds for revocation provided by other statutes, rule of law, or equity, the agency has the power to revoke a certificate of need whenever the following has occurred:

(1) The holder of a certificate of need has not made substantial and timely progress toward the completion of the project or acquisition of the equipment;

(2) The acquisition or project as described in the person's application has been changed or altered in a manner that significantly deviates from the acquisition or project approved by the agency when the certificate of need was granted;

(3) The decision to issue a certificate of need was based, in whole or in part, on information or data in the application which was false, incorrect, or misleading, whether intentional or not;

(4) The holder of the certificate of need has committed fraud in obtaining the certificate of need or has committed fraud upon the agency after the certificate of need was issued. For purposes of this section, "fraud" means a form of deceit, trickery, misrepresentation, or subterfuge, including, but not limited to, the following actions:

(A) Making a knowingly false statement, orally or in writing, in connection with a certificate of need application or project subject to the jurisdiction of the agency;

(B) Intentionally withholding or suppressing information that the person knows, or reasonably should know, is relevant to a certificate of need application or project subject to the jurisdiction of the agency; or

(C) Altering, forging, or otherwise modifying, with fraudulent intent, a document submitted to the agency in connection with a certificate of need application or project subject to the jurisdiction of the agency; or

(5) The violation of a condition placed upon a certificate of need by the agency, prior to licensure by the department of health or department of mental health and substance abuse services.

**68-11-1618. Nontransferability of certificate of need.**

(a) Except as provided in this section, the transfer of a certificate of need renders the certificate of need and all rights under it void. As used in this section, "transfer" means the sale, assignment, lease, conveyance, purchase, grant, donation, gift, or other direct or indirect transfer of any nature whatsoever of a certificate of need. However, this section does not prohibit the transfer of a certificate of need in the following circumstances:

(1) If the transfer has been approved by the agency after the agency determines that the new holder of the certificate of need would provide health care that meets appropriate quality standards, and that the transfer would not reduce access to consumers, particularly those in underserved communities; those who are uninsured or underinsured; women and racial and ethnic minorities; TennCare or medicaid recipients; and low-income groups; and

(2) If the certificate of need is transferred as part of the transfer of ownership of a licensed healthcare institution.

(b)

(1) With regard to a certificate of need for the establishment of a proposed new healthcare institution, a change of control of the entity prior to completion or licensing renders the certificate of need and all rights under it null and void. "Change of control" means:

(A) In the case of a partnership, the termination of interest of a general partner;

(B) In the case of a limited liability company or limited liability partnership, a change in the composition of members or partners to the extent that the management or membership control is different than that described in the certificate of need application; and

(C) In the case of a corporation, the termination of interest of a shareholder or shareholders controlling more than fifty percent (50%) of the outstanding voting stock of the corporation.

(2) Subdivision (b)(1) does not prohibit change of control as described in subdivision (b)(1), if the agency determines, upon petition of

the prospective owner or owners of the entity, that the prospective owner or owners demonstrate that they meet the criteria of economic feasibility, contribution of orderly development, and the considerations of § 68-11-1605.

(c) A certificate of need, and the rights under the certificate of need, are null and void if it is the subject of a development contract or agreement to sell or lease the facility that was not fully disclosed in the application.

**68-11-1619. Application for medicare skilled nursing facility (SNF) beds.**

(a) During each fiscal year after June 30, 2020, until June 30, 2025, the agency shall not issue certificates of need for new nursing home beds, including the conversion of hospital beds to nursing home beds or swing beds, other than one hundred twenty-five (125) beds per fiscal year, to be certified as medicare skilled nursing facility (SNF) beds as authorized in this section.

(b) The number of medicare SNF beds issued under this section shall not exceed thirty (30) for each applicant. The applicant shall specify in the application the skilled services to be provided and how the applicant intends to provide the skilled services. In reviewing applications, the agency shall consider the application without regard as to whether the applicant currently has medicare SNF beds. If the pool of one hundred twenty-five (125) medicare SNF beds created by this section is not depleted prior to June 30 of the fiscal year, then the beds remaining in the pool must be considered to be available to applicants who apply before June 30 of each fiscal year, even though review may occur after June 30 of that year.

**68-11-1620. Account for disposition of fees — Budget.**

(a) Fees and civil penalties authorized by this part must be paid by the health services and development agency or the collecting agency to the state treasurer and deposited in the state general fund and credited to a separate account for the agency. Fees include, but are not limited to, fees for the application of certificates of need, subscriptions, project cost overruns, copying, and contested cases. Disbursements from that account may only be made for the purpose of defraying expenses incurred in the implementation and enforcement of this part by the agency. Funds remaining in the account at the end of a fiscal year do not revert to the general fund but remain available for expenditure in accordance with law.

(b) The agency shall prescribe fees by rule as authorized by this part. The fees must be in an amount that, in addition to the fees prescribed in subsection (c), provides for the cost of administering the implementation and enforcement of this part by the agency. The agency shall adjust the prescribed fees as necessary to provide that the account is fiscally self-sufficient and that revenues from fees do not exceed necessary and required expenditures.

(c) The agency shall annually collect the following schedule of fees from healthcare providers, and the fees must be paid to the state treasurer and

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deposited in the state general fund and credited to the agency's separate account. The following schedule applies:

- (1) Residential hospice ..... \$100 per license;
- (2) Nursing homes 1-50 beds ..... \$500 per license;
- (3) Nursing homes 51-100 beds ..... \$1,500 per license;
- (4) Nursing homes 101+ beds ..... \$2,500 per license;
- (5) Hospitals 1-100 beds ..... \$2,000 per license;
- (6) Hospitals 101-200 beds ..... \$3,500 per license;
- (7) Hospitals 201+ beds ..... \$5,000 per license;
- (8) Ambulatory surgical treatment centers ..... \$2,000 per license;
- (9) Outpatient diagnostic centers ..... \$2,000 per license;
- (10) Home care organizations authorized to provide home health services or hospice services ..... \$500 per license;
- (11) Birthing Centers..... \$50 per license;
- (12) Nonresidential substitution-based treatment centers for opiate addiction ..... \$500 per license;
- (13) Mental health residential treatment facilities..... \$100 per license;
- (14) Intellectual disability institutional habilitation facilities ..... \$100 per license.

**68-11-1621. Participation by local governing body in hearing for certificate of need application.**

At a hearing conducted by the agency for a certificate of need application, if a local governing body requests to participate in the hearing, then the officials of the local governing body may appear before the agency and express support or opposition to the granting of a certificate of need to the applicant. The testimony of such officials is informational and advisory to the agency, and the support of the local governing body is not a requirement for the granting of a certificate of need by the agency.

**68-11-1622. State health planning division of the department of health.**

(a) There is created the state health planning division of the department of health. It is the purpose of the planning division to create a state health plan that is evaluated and updated at least annually. The plan guides the state in the development of healthcare programs and policies and in the allocation of healthcare resources in this state.

(b) It is the policy of this state that:

(1) Every citizen should have reasonable access to emergency and primary care;

(2) The state's healthcare resources should be developed to address the needs of Tennesseans while encouraging competitive markets, economic efficiencies, and the continued development of the state's healthcare industry;

(3) Every citizen should have confidence that the quality of health care is continually monitored and standards are adhered to by healthcare providers; and

(4) The state should support the recruitment and retention of a sufficient and quality healthcare workforce.

(c) The planning division is administratively staffed by the department of health in a manner that the department deems necessary for the performance of the planning division's duties and responsibilities, which may include contracting for the services provided by the division through a private person or entity.

(d) The duties and responsibilities of the planning division include:

(1) To develop and adopt a state health plan, which must include, at a minimum, guidance regarding allocation of this state's healthcare resources;

(2) To submit the state health plan to the governor for approval and adoption;

(3) To hold public hearings as needed;

(4) To review and evaluate the plan at least annually;

(5) To respond to requests for comment and recommendations for healthcare policies and programs;

(6) To conduct an ongoing evaluation of this state's resources for accessibility, including, but not limited to, financial, geographic, cultural, and quality of care;

(7) To review the health status of Tennesseans as presented annually to the planning division by the department of health, the department of mental health and substance abuse services, and the department of intellectual and developmental disabilities;

(8) To review and comment on federal laws and regulations that influence the healthcare industry and the healthcare needs of Tennesseans;

(9) To involve and coordinate functions with state entities as necessary to ensure the coordination of state health policies and programs in this state;

(10) To prepare an annual report for the general assembly and recommend legislation for their consideration and study; and

(11) To establish a process for timely modification of the state health plan in response to changes in technology, reimbursement, and other developments that affect the delivery of health care.

**68-11-1623. Replacement facility applications — Certificates of need for nursing home beds.**

(a) A replacement facility application is an application that proposes to replace one (1) or more currently licensed nursing homes with one (1) single licensed nursing home.

(b) An application or portion of a replacement facility application that does not increase the number of licensed beds over the number of beds in the existing facility or facilities being replaced must be reviewed by the department and considered by the agency pursuant to the criteria in § 68-11-1609(b), and shall not be considered new nursing home beds. In reviewing the application, the agency shall give preference to projects that propose replacement facilities because of building or life safety standard issues. The criteria of § 68-11-1619 do not apply to replacement facility applications.

(c) If a replacement facility application seeks to increase the number of licensed beds over the number of beds in the existing facility or facilities being replaced, then that portion of the application that increases the number of beds must comply with § 68-11-1619, and is considered new nursing home beds. The remaining part of the application relative to the replacement of the facility or facilities must be reviewed by the department and considered under the criteria set out in subsection (b). In reviewing such an application, the agency shall give

preference to projects that propose replacement facilities because of building or life safety standard issues.

(d) With regard to a certificate of need to replace a nursing home that has ceased operations, the original facility is not required to maintain its license after the certificate of need has been approved for the replacement facility.

**68-11-1624. Delegation of authority to the department to issue new license to successor owner.**

With regard to a healthcare facility that has been the subject of a change of control as defined by regulation, the board for licensing health care facilities in its discretion may delegate to the department the authority to issue a new license to the successor owner. The delegation of this authority is limited to circumstances where:

- (1) The successor owner meets the qualifications for a license;
- (2) The healthcare facility has no outstanding license or certification deficiencies; and
- (3) The successor owner already owns or controls at least one (1) other healthcare facility in this state.

**68-11-1625. Development of measures for assessing quality of entities receiving certificate of need — Failure to meet quality measures — Penalties.**

(a) In consultation with the department of health, the department of mental health and substance abuse services, and the department of intellectual and developmental disabilities, and subject to § 68-11-1609(h), the agency shall develop by rule measures for assessing quality for entities that, on or after July 1, 2016, receive a certificate of need under this part. In developing quality measures, the agency may seek the advice of stakeholders with respect to certificates of need for specific institutions or services.

(b) If the agency determines that an entity has failed to meet the quality measures developed under this section, then the agency shall refer that finding to the board for licensing health care facilities or the department of mental health and substance abuse services, whichever is appropriate, for appropriate action on the license of the entity under part 2 of this chapter.

(c) If the agency determines that an entity has failed to meet a quality measure imposed as a condition for a certificate of need by the agency, then the agency may impose penalties pursuant to § 68-11-1616 or revoke a certificate of need pursuant to § 68-11-1617.

**68-11-1626. Renewal of license for closed hospitals in rural or distressed counties.**

(a) Notwithstanding this part, a certificate of need is not required for the establishment of a hospital licensed under this title if:



(1) The hospital was previously licensed under this title or another hospital was previously licensed under this title at the proposed location;

(2) The hospital is located in a county:

(A) Designated by the department of economic and community development as a tier 2, tier 3, or tier 4 enhancement county pursuant to § 67-4-2109; or

(B) With a population less than forty-nine thousand (49,000), according to the 2010 federal census or a subsequent census;

(3) The last date of operations at the hospital, the hospital site service area, or proposed hospital site service area was no more than fifteen (15) years prior to the date on which the party seeking to establish the hospital submits information to the department pursuant to subsection (b); and

(4) The party seeking to establish the hospital applies for a certificate of need from the agency within twelve (12) months of the date on which the party submits information to the department pursuant to subsection (b).

(b)

(1) Notwithstanding this part, the department may renew a license for a hospital meeting the criteria in subdivisions (a)(1)-(3) upon application by the party seeking to establish the hospital and finding that the hospital will operate in a manner that is substantially similar to the manner authorized under the previous hospital's license at the time of the previous hospital's closure.

(2) The department shall review and make a determination on an application submitted pursuant to subdivision (b)(1) and notify the applicant in writing of the determination within sixty (60) days of the date the applicant submits a completed application to the department. If the department determination is to deny the application, then the department must also provide to the applicant a written explanation detailing the reasons for the denial.

SECTION 2. Tennessee Code Annotated, Section 4-29-242(a)(28), is amended by deleting the subdivision.

SECTION 3. Tennessee Code Annotated, Section 4-29-244(a)(1), is amended by deleting the subdivision.

SECTION 4. Tennessee Code Annotated, Section 4-29-245(a), is amended by adding the following as new subdivisions:

( ) Board for licensing health care facilities, created by § 68-11-203;

( ) Health services and development agency, created by § 68-11-1604;

SECTION 5. The headings to sections in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 6. For the purpose of rulemaking, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect October 1, 2021, the public welfare requiring it.

On motion, Health Committee Amendment No. 1 was adopted.

Rep. Hazlewood moved adoption of Finance, Ways, and Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

**Amendment No. 2**

AMEND House Bill No. 948 by deleting SECTION 6 and substituting:

SECTION 6. Tennessee Code Annotated, Section 68-11-1607(a)(3), is amended by deleting the subdivision and substituting:

(3) In the case of a healthcare institution, a change in the bed complement, regardless of cost, that:

(A) Increases by one (1) or more the number of nursing home beds;

(B) Redistributes beds from any category to acute, rehabilitation, or long-term care, if at the time of redistribution the healthcare institution does not have beds licensed for the category to which the beds will be redistributed; or

(C) Relocates beds to another facility or site;

SECTION 7. Tennessee Code Annotated, Section 68-11-1609(b), is amended by deleting the language "During each fiscal year after June 30, 2016, until June 30, 2021" and substituting the language "During each fiscal year after June 30, 2020, until June 30, 2025".

SECTION 8. Tennessee Code Annotated, Section 68-11-1609(c), is amended by deleting the language "not to exceed three (3) years for hospital projects" and substituting the language "not to exceed three (3) years for hospital and nursing home projects".

SECTION 9. Tennessee Code Annotated, Section 68-11-1622(a), is amended by deleting the language "During each fiscal year after June 30, 2016, until June 30,

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2021" and substituting the language "During each fiscal year after June 30, 2020, until June 30, 2025".

SECTION 10. Tennessee Code Annotated, Section 68-11-1628, is amended by deleting the section.

SECTION 11. Tennessee Code Annotated, Section 68-11-1629, is amended by deleting the section.

SECTION 12. Tennessee Code Annotated, Section 68-11-1631, is amended by deleting the section.

SECTION 13. Tennessee Code Annotated, Section 68-11-1632, is amended by deleting the section.

SECTION 14. Tennessee Code Annotated, Section 68-11-1634, is amended by deleting the section.

SECTION 15.

(a) For the purpose of rulemaking, this act takes effect upon becoming a law, the public welfare requiring it.

(b) Sections 6, 7, 8, 9, 10, 11, 12, 13, and 14 of this act take effect upon becoming a law, the public welfare requiring it.

(c) Sections 1, 2, 3, 4, and 5 of this act take effect October 1, 2021, the public welfare requiring it.

On motion, Finance, Ways, and Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Boyd moved adoption of House Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 948 by deleting from § 68-11-1607(u)(2)(B) in SECTION 1 the language "subdivision (u)(3)(A)" and substituting the language "subdivision (u)(2)(A)".

On motion, House Amendment No. 3 was adopted.

Rep. Boyd moved that **House Bill No. 948**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 76  
Noes ..... 13

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Doggett, Faison, Farmer, Gant, Garrett, Gillespie, Grills, Halford, Hall,

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Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Kumar, Lafferty, Leatherwood, Littleton, Lynn, Mannis, Marsh, McKenzie, Miller, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Terry, Thompson, Todd, Vaughan, Warner, Weaver, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--76

Representatives voting no were: Freeman, Hakeem, Harris, Johnson G, Keisling, Lamar, Lamberth, Mitchell, Parkinson, Powell, Stewart, Towns, Windle--13

A motion to reconsider was tabled.

**House Bill No. 904** -- Criminal Procedure - As introduced, authorizes a district attorney general to petition for and a court to issue a protective order prohibiting the defendant from publishing an informant's name, contact information, or statements at any time prior to or during trial; makes violation of such a protective order a Class E felony. - Amends TCA Title 39 and Title 40. by \*Doggett, \*Moody, \*Todd, \*Hazlewood, \*Howell. (\*SB283 by \*Rose, \*Jackson)

On motion, House Bill No. 904 was made to conform with **Senate Bill No. 283**; the Senate Bill was substituted for the House Bill.

Rep. Doggett moved that Senate Bill No. 283 be passed on third and final consideration.

Rep. Curcio moved that Criminal Justice Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Doggett moved that **Senate Bill No. 283** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	88
Noes.....	0
Present and not voting.....	1

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Thompson, Todd, Towns, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--88

Representatives present and not voting were: Johnson G--1

A motion to reconsider was tabled.

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**House Bill No. 744** -- Victims' Rights - As introduced, creates a program within the district attorneys general conference to award grants of up to \$5,000 to local governments for the purpose of establishing a suitable meeting space for victims of crime; authorizes use of the criminal injuries compensation fund to fund the grants. - Amends TCA Title 8; Title 29, Chapter 13 and Title 40. by \*Curcio, \*Lamberth, \*Griffey, \*Hazlewood, \*Hardaway, \*Sherrell, \*Doggett, \*Helton, \*Moody, \*Powers, \*Smith, \*Beck, \*Love. (\*SB513 by \*Haile)

Rep. Curcio moved that House Bill No. 744 be passed on third and final consideration.

Rep. Hazlewood moved adoption of Finance, Ways, and Means Committee Amendment No. 1 as follows:

### **Amendment No. 1**

AMEND House Bill No. 744 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 7, Part 1, is amended by adding the following new section:

(a) In accordance with § 40-38-102, whenever possible, victims of crime must have separate and secure waiting areas during all critical stages of the judicial process, and to further the availability of such separate and secure waiting areas, the district attorneys general conference shall assist in assessing whether such space exists for victims to meet with attorneys, law enforcement, counselors, and others, and to wait while attending judicial proceedings in judicial facilities throughout the state.

(b) By March 1, 2022, the district attorneys general conference shall submit a report to the chairs of the judiciary committee of the senate and the criminal justice committee of the house of representatives as to whether separate and secure waiting areas exist within each of the thirty-one (31) judicial districts along with recommendations to achieve the requirements of § 40-38-102.

(c) The district attorneys general conference additionally shall determine whether grant or other funding is available to create separate and secure waiting areas or to improve such existing spaces and shall assist judicial districts in achieving the creation or improvement of such separate and secure waiting areas.

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

On motion, Finance, Ways, and Means Committee Amendment No. 1 was adopted.

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Rep. Curcio moved that **House Bill No. 744**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 90  
Noes ..... 0

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Towns, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--90

A motion to reconsider was tabled.

**RECESS MOTION**

Rep. Lamberth moved that the House stand in recess until 4:00 p.m., which motion prevailed.

**MESSAGE FROM THE SENATE  
May 4, 2021**

MR. SPEAKER: I am directed to transmit to the House, SB 623. The Senate nonconcurred in House Amendment No(s). 2

RUSSELL A. HUMPHREY, Chief Clerk

**RECESS EXPIRED**

The recess having expired, the House was called to order by Mr. Speaker Sexton.

**ROLL CALL DISPENSED**

On motion of Rep. Lamberth the roll call was dispensed with.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1130** -- Civil Procedure - As introduced, extends, from 10 days to 30 days, the time within which a party may appeal an order denying or granting class action certification. - Amends TCA Title 2; Title 4; Title 16; Title 17; Title 20; Title 27 and Title 29. by \*Farmer, \*Gillespie, \*Rudd. (\*SB868 by \*Bell)

Rep. Farmer requested that House Bill No. 1130 be moved to the heel of the Calendar, which motion prevailed.

**House Bill No. 1132** -- Drug and Alcohol Rehabilitation - As introduced, clarifies for purposes of the Comprehensive Alcohol and Drug Treatment Act, that a drug is anything, other than food, intended to affect the structure or function of the body including, but not limited to, substances recognized in an official pharmacopoeia. - Amends TCA Title 5; Title 6; Title 7; Title 9; Title 20; Title 29; Title 33; Title 47; Title 53; Title 68 and Title 71. by \*Farmer, \*Lamberth, \*Marsh, \*Hazlewood, \*Carr, \*Powers, \*White. (\*SB558 by \*Haile)

Rep. Farmer moved that House Bill No. 1132 be passed on third and final consideration.

Rep. Terry moved that Health Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Hazlewood moved adoption of Finance, Ways, and Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

**Amendment No. 2**

AMEND House Bill No. 1132 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 9, Chapter 4, is amended by adding Section 2 as a new, appropriately designated part.

SECTION 2.

(a) The opioid abatement fund is established and funded pursuant to this section.

(b) The opioid abatement fund shall operate as an irrevocable trust that the state treasurer shall administer. Amounts in the opioid abatement fund shall not revert to the general fund of the state. The treasurer and attorney general and reporter shall approve the terms of the trust instrument. The terms of the trust instrument shall not be substantively amended except by unanimous approval of the trustees, the opioid abatement council established pursuant to SECTION 6 of this act, and the attorney general and reporter.

(c)

(1) Funds in the opioid abatement fund shall be spent only for the following purposes:

(A) Prospective opioid abatement and remediation;

(B) Expenses incurred in administering and operating the opioid abatement council;

(C) Related expenses as provided in SECTION 7(b); and

(D) Expenses associated with administering, investing, and disbursing funds held in the opioid abatement fund.

(2) Funds in the opioid abatement fund shall not be used to reimburse expenditures incurred prior to the effective date of this act. Funds from the opioid abatement fund shall not be used to pay litigation costs, expenses, or attorney fees arising from the enforcement of legal claims related to the opioid epidemic.

(3) Any opioid abatement fund disbursements must be made at the direction of the opioid abatement council. Except to the extent required by law, the trustees of the opioid abatement fund shall not make or refuse to make any disbursement contrary to the direction of the opioid abatement council.

(d)

(1) The trustees of the opioid abatement fund are:

(A) The commissioner of finance and administration;

(B) The state treasurer; and

(C) The chair of the opioid abatement council.

(2) The state treasurer shall serve as the chair of the trustees and shall preside over all meetings and proceedings of the trustees.

(3) To the extent not prohibited by law, the trustees shall not act contrary to the direction of the opioid abatement council and shall uphold the decisions the council renders regarding disbursement of funds from the opioid abatement fund. The trustees have only a ministerial role and not a discretionary role in the distribution of funds, as directed by the opioid abatement council. The trustees have no duties concerning the opioid abatement fund other than those duties set forth in the opioid abatement fund's trust instrument and in this part.

(e) The opioid abatement fund is the designated repository of funds that are either dedicated to opioid abatement or remediation or are otherwise directed to abatement or remediation and that are received by the state pursuant to a judgment on opioid-related claims, a recovery in bankruptcy on opioid-related claims, or a settlement of opioid-related claims. This subsection (e) does not



prevent the opioid abatement fund from also receiving funds from other sources if the funds will be dedicated to abatement.

(f)

(1) The trustees shall adopt, in writing, an investment policy or policies authorizing how assets in the trust may be invested prior to investments being made.

(2) Funds in the opioid abatement fund may be invested and reinvested for the benefit of the fund by the state treasurer pursuant to § 9-4-603. The trustees shall delegate to the state treasurer the responsibility for the investment and reinvestment of trust funds in accordance with the policies and guidelines established by the trustees.

(3) All or a portion of the trust may be invested, reinvested, and coinvested with other funds, not a part of the trust, which are held by the state treasurer, including, but not limited to, assets of the state pooled investment fund established pursuant to part 6 of this chapter. The state treasurer shall account for the trust funds in one (1) or more separate accounts in accordance with this section or other law.

SECTION 3. Tennessee Code Annotated, Title 33, is amended by adding Sections 4 through 9 as a new, appropriately designated chapter.

SECTION 4. This chapter is known and may be cited as the "Opioid Abatement Council Act."

SECTION 5. As used in this chapter:

(1) "Commissioner" means the commissioner of mental health and substance abuse services;

(2) "Council" means the Tennessee opioid abatement council;

(3) "Department" means the department of mental health and substance abuse services;

(4) "Director" means the executive director of the council;

(5) "Opioid abatement and remediation purposes" means programs, strategies, expenditures, and other actions designed to prevent and address the misuse and abuse of opioid products and treat or mitigate opioid use or related disorders or other effects of the opioid epidemic;

(6) "Opioid abatement fund" means the fund created by SECTION 2 of this act;

(7) "State-subdivision opioid abatement agreement" means an agreement entered into by the state and one (1) or more political subdivisions of

the state that addresses the allocation of funds dedicated to opioid abatement and remediation; and

(8) "Statewide opioid settlement agreement" means a settlement agreement entered into by the state and one (1) or more entities involved in activities related to the manufacture, marketing, distribution, dispensing, or sale of opioids in which political subdivision claims are addressed. A copy of the agreement, including any amendments thereto, must be kept on the website of the attorney general and reporter.

**SECTION 6.**

(a) There is created the Tennessee opioid abatement council.

(b) The council is composed of fifteen (15) voting members and one nonvoting ex-officio member. The commissioner or the commissioner's designee shall serve as the nonvoting ex-officio member. Voting members must be residents of this state and have expertise and a minimum of ten (10) years of experience in public health policy, medicine, substance use disorder and addiction treatment, mental health services, drug misuse prevention programs, or drug court diversion or other programs in which people with substance use disorders interact with first responders, law enforcement, or the criminal justice system. A member shall not serve more than two (2) terms consecutively but may be reappointed to the council after not serving as a member for two (2) or more years.

(c) The council shall be appointed as follows:

(1) The governor shall appoint four (4) members, including the chair;

(2) The speaker of the senate shall appoint four (4) members;

(3) The speaker of the house of representatives shall appoint four (4) members;

(4) The Tennessee County Services Association shall appoint two (2) members; and

(5) The Tennessee Municipal League shall appoint (1) member.

(d) Upon creation of the council, the members appointed in subdivisions (c)(2) and (3) shall serve an initial four-year term and the members appointed in subdivisions (c)(4) and (5) shall serve an initial five-year term to enable the staggering of terms.

(e) With the exception of the initial terms established in subsection (d), each appointed member of the council shall serve a three-year term, with terms ending on June 30 of each year. The beginning of an initial term shall be deemed to be July 1 of the calendar year in which the appointment occurs,

regardless of whether the actual appointment date occurs before or after July 1 of that year.

(f) The respective appointing authority may remove a member for failure to attend at least one-half (1/2) of the scheduled meetings in any one-year period or for other cause.

(g) If a vacancy on the council occurs, the respective appointing authority shall fill the vacancy for the unexpired term. Notwithstanding the expiration of a member's term, each member shall serve until a successor is duly appointed.

(h)

(1) The members shall serve without compensation, but each member shall be entitled to reimbursement for the member's actual and necessary expenses incurred in the performance of the member's official duties.

(2) All reimbursement for travel expenses shall be in accordance with the comprehensive travel regulations promulgated by the department of finance and administration.

(3) All actual and necessary expenses incurred in the performance of members' official duties shall be paid from the opioid abatement fund and not the general fund.

(i) The council shall meet at the call of the chair and not less than four (4) times per year. The meeting location shall rotate among locations in each of the three (3) grand divisions. Members may attend meetings in person or remotely by audiovisual means, as provided in § 8-44-108.

(j) Meetings of the council must comply with the open meeting requirements of title 8, chapter 44. Notwithstanding the open meeting requirements of title 8, chapter 44, the council is permitted to meet in a closed executive session for the purpose of obtaining advice from counsel and discussing personnel-related issues in addition to any other purposes allowed by title 8, chapter 44.

(k) Records of the council are deemed to be public records for purposes of the open records law, compiled in title 10, chapter 7, subject to the confidentiality provisions of § 10-7-504 and other laws or doctrines.

(l) The annual report, financial statements, all books, accounts, and financial records of the council shall be subject to annual audit by the comptroller of the treasury. Any monies distributed to local governments from the fund shall also be subject to audit by the comptroller of the treasury.

(m) Written minutes covering all meetings and actions of the council shall be prepared by the director and shall be maintained by the department and open to public inspection.

(n) The council will terminate if all opioid abatement monies being paid pursuant to existing settlements, judgments, or court orders have been received and disbursed unless the attorney general and reporter certifies that additional funds are anticipated within one (1) year.

(o) The council shall not be subject to the contested case procedures set forth in title 4, chapter 5, part 3. If a court has entered a consent judgment agreed to by the state through the approval of the attorney general and reporter that incorporates a statewide opioid settlement agreement or a state-subdivision opioid abatement agreement, and such an agreement provides for the court in which the consent judgment was filed to determine particular disputes, the court that entered the consent judgment shall have exclusive jurisdiction over such disputes. Otherwise actions to disburse funds are final.

(p) For proceeds received from a statewide opioid settlement agreement with McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, or Johnson & Johnson or affiliates or subsidiaries of these entities that are deposited in the opioid abatement fund, the council shall disburse thirty-five percent (35%) of these proceeds to counties that join the settlement. The council shall disburse these proceeds to counties subject of subsections (q)-(s). The council shall disburse the remaining sixty-five percent (65%) of such proceeds for statewide, regional, or local opioid abatement and remediation purposes pursuant to SECTION 8.

(q) Proceeds disbursed to counties under subsection (p) shall be allocated according to data measuring the impact of the opioid crisis at the county level. The allocation may be set in a state-subdivision opioid abatement agreement. If there is no agreement, the council will determine the allocation using population to determine half of the allocation and state data on opioid sales measured by morphine milligram equivalents, fatal overdoses, and non-fatal overdoses to determine the other half of the allocation. The council will use aggregate data for at least three (3) years and will update the data every four (4) years. If any of these sets of data are not available, the council may use the remaining data sets or substitute another set of data that reflects the impact of the opioid crisis.

(r) Funds allocated to a county pursuant to subsection (p) are subject to subsection (s) and must be spent on opioid abatement and remediation purposes that are:

- (1) Specifically approved by the council; or
- (2) Included on a council list of approved programs.

(s) The council:

- (1) Shall create a list of approved programs for opioid abatement and remediation for use by the council, the state, or local governments;

(2) Shall create a certification process through which government entities verify the use of funds for programs on the council's list of approved programs;

(3) Has the authority to create an application and certification process for counties applying for funds toward programs not on the council's list of approved programs;

(4) Has the authority to develop rules and time limitations for use of medication assisted therapies in treating opioid addiction that are paid for through the opioid treatment fund; and

(5) Has the authority to create a timeline for monies paid to the counties to revert back to the opioid treatment fund if they are not used within a certain period by a county.

**SECTION 7.**

(a)

(1) The department shall serve as staff to the council and shall recommend to the council a candidate to serve as executive director of the council.

(2) If a majority of the council votes to decline the department's recommendation within fourteen (14) calendar days of receiving the recommendation, the department shall submit a new candidate.

(3) If a majority of the council either votes in favor of the department's recommendation or does not decline the recommendation in accordance with subdivision (a)(2), the candidate may be hired as the director and shall be an employee of the department.

(b) The director must be a full-time position. The commissioner may recommend that a current department employee serve as the director, subject to subsection (a). The commissioner shall establish the director's salary and other compensation, which shall be no more than the department's highest-paid assistant commissioner. The director's salary and compensation shall be paid from the opioid abatement fund, as shall the salaries and compensation of other council staff and department employees the commissioner deems necessary to administer the council. The commissioner may hire two (2) full-time employees to staff the council in addition to the director and hire additional staff upon approval of the council. Salaries and compensation levels shall be comparable to department employees doing similar work. New or additional department costs and all expenditures related to the council shall be paid from the opioid abatement fund and not the general fund. The commissioner shall provide reports as the council may require on staffing, salaries, compensation, and other costs and expenditures related to the council.

**SECTION 8.** The duties and responsibilities of the council include the following:

(a) Subject to the terms of a state-subdivision opioid abatement agreement or a statewide opioid settlement agreement concerning funds paid pursuant to such agreement, the council shall direct the disbursement of funds held in the opioid abatement fund by decisions approved by at least a majority of the entire membership of the council. These disbursement directives shall be limited to funding or supporting opioid abatement and remediation purposes and related administrative costs. Before rendering decisions regarding the disbursement of funds, the council shall receive input from the department's statewide planning and policy council's need assessment process, which is conducted with the assistance of seven (7) regional planning and policy councils, and allow for comment and input from community stakeholders, local governments, state and local public health officials, public health advocates, law enforcement and judiciary representatives, opioid remediation service providers, and other parties interested and actively involved in addressing the opioid crisis and its abatement. The council shall develop policies to provide reasonable opportunity to receive input from these parties.

(b) The council shall create and the director shall deliver to the governor, the speaker of the senate, the speaker of the house of representatives, the chairs of the government operations committees of the senate and house of representatives, and the chairs of the finance, ways and means committees of the senate and house of representatives on or before September 30 of each year an annual report for the prior fiscal year that details the total funds deposited into the opioid abatement fund, the abatement strategies funded, and any disbursement or expenses paid from the opioid abatement fund.

SECTION 9. The council is exempt from the requirements of title 12, chapter 3, related to procurement.

SECTION 10. Tennessee Code Annotated, Title 47, is amended by adding Sections 11 through 15 as a new, appropriately designated chapter.

SECTION 11. This chapter is known and may be cited as the "Tennessee Opioid Abatement Act."

SECTION 12. The general assembly finds and declares the following:

(1) The opioid crisis presents serious health and safety concerns throughout the state and is a threat to the general welfare of the people of this state;

(2) The provision of care, rehabilitation, and treatment for opioid abuse and dependency creates a substantial drain on governmental resources;

(3) It is the intention of the general assembly to facilitate statewide opioid settlement agreements that provide a coordinated resolution of state and local governmental claims against entities involved in the manufacture, marketing, distribution, dispensing, or sale of opioids, or related activities, in order to generate funds for opioid abatement programs and remediation; and

(4) A statewide coordinated resolution of state and local claims against entities involved in activities related to the manufacture, marketing, distribution, dispensing, or sale of opioids, or related activities, is critical to resolving current litigation and other claims regarding the opioid crisis and maximizing the financial commitment of those entities.

SECTION 13. As used in this chapter, unless the context requires otherwise:

(1) "Declaration of a statewide opioid settlement agreement release" means a written release approved by the attorney general and reporter for a statewide opioid settlement agreement, which must include or reference the approval of the governor and comptroller of the treasury;

(2) "District" means the governmental districts in the state, including, but not limited to, school districts, judicial districts, hospital districts, health districts, utility districts, fire districts, development districts, special districts, and other public districts;

(3) "Governmental entity" means:

(A) The state and each of its departments, agencies, divisions, boards, commissions, and other instrumentalities;

(B) Any political or governmental subdivision or other public entity within the boundaries of the state, including, but not limited to, counties, municipalities, districts, and towns and any department, agency, division, board, commission, and other instrumentalities thereof; and

(C) Any governmental official, officer, or employee of the state or of a political or governmental subdivision or other public entity within the boundaries of the state acting in an official capacity;

(4) "Released claims" means the causes of action and other claims that are released in a statewide opioid settlement agreement or as set forth in a declaration of such an agreement by the attorney general and reporter, including matters identified as released claims as that term or a comparable term is defined in a statewide opioid settlement agreement;

(5) "Released entities" means the entities released in a statewide opioid settlement agreement and pursuant to a declaration of a statewide settlement agreement by the attorney general and reporter, including those identified as released entities as that term or a comparable term is defined in a statewide opioid settlement agreement;

(6) "State-subdivision opioid abatement agreement" means an agreement entered into by the state and one (1) or more subdivisions of the state that addresses the allocation of funds dedicated to opioid abatement; and

(7) "Statewide opioid settlement agreement" means a settlement agreement entered into by the state and one (1) or more entities involved in

activities related to the manufacture, marketing, distribution, dispensing, or sale of opioids in which subdivision claims are addressed.

SECTION 14. The funds obtained pursuant to a statewide opioid settlement agreement must be distributed pursuant to the agreement and any relevant provisions of a state-subdivision opioid abatement agreement. Copies of statewide opioid settlement agreements, including any amendments to such agreements, must be kept on the website of the attorney general and reporter.

SECTION 15. Upon the issuance of a declaration of a statewide opioid settlement agreement release by the attorney general and reporter PURSUANT TO SECTION 19, a governmental entity shall not have the authority to assert, bring, or attempt to enforce a released claim against a released entity in any legal proceeding. Any pending or future litigation brought by a governmental entity asserting released claims against released entities shall be dismissed with prejudice. Copies of declarations of a statewide opioid settlement agreement release must be kept on the website of the attorney general.

SECTION 16. Tennessee Code Annotated, Title 20, Chapter 13, is amended by adding Sections 17 through 20 as a new, appropriately designated part.

SECTION 17. The general assembly finds and declares the following:

(1) The opioid crisis presents serious health and safety concerns throughout the state and is a threat to the general welfare of the people of this state;

(2) The provision of care, rehabilitation, and treatment for opioid abuse and dependency creates a substantial drain on governmental resources;

(3) It is the intention of the general assembly to facilitate statewide opioid settlement agreements that provide a coordinated resolution of state and local governmental claims against entities involved in the manufacture, marketing, distribution, dispensing, or sale of opioids, or related activities, in order to generate funds for opioid abatement programs and remediation; and

(4) A statewide coordinated resolution of state and local claims against entities involved in activities related to the manufacture, marketing, distribution, dispensing, or sale of opioids, or related activities, is critical to resolving current litigation and other claims regarding the opioid crisis and maximizing the financial commitment of those entities.

SECTION 18. As used in this part, unless the context requires otherwise:

(1) "District" means all governmental districts in the state, including, but not limited to, school districts, judicial districts, hospital districts, health districts, utility districts, fire districts, development districts, special districts, and other public districts; and

(2) "Governmental entity" means:



(A) The state and each of its departments, agencies, divisions, boards, commissions, and other instrumentalities;

(B) Any political or governmental subdivision or other public entity within the boundaries of the state, including, but not limited to, counties, municipalities, districts, and towns and any department, agency, division, board, commission, and other instrumentalities thereof; and

(C) Any governmental official, officer, or employee of the state or of a political or governmental subdivision or other public entity within the boundaries of the state acting in an official capacity.

SECTION 19. Upon written approval of the governor and comptroller of the treasury, the attorney general and reporter has the authority to release any pending or future claim of governmental entities against McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, and Johnson & Johnson and affiliates, subsidiaries, and other entities related to these companies that are released in the McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, and Johnson & Johnson settlement agreements for activities related to the manufacture, marketing, distribution, dispensing, or sale of opioids, or related activities, if the attorney general deems the release necessary to the interest of the state in the resolution of the opioid crisis.

SECTION 20. The Tennessee opioid abatement council established pursuant to Section 6 must be reviewed in accordance with §§ 4-29-118(a) and 4-29-244(b).

SECTION 21. This part shall not be construed as a restriction or a limitation upon the powers that the attorney general and reporter might otherwise have under the laws of this state but must be construed as cumulative of and supplemental to these powers.

SECTION 22. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 23. This act takes effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways, and Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Farmer moved that **House Bill No. 1132**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	87
Noes .....	2

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Grills,

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Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Moody, Moon, Ogles, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Terry, Thompson, Todd, Towns, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--87

Representatives voting no were: Harris, Parkinson--2

A motion to reconsider was tabled.

**\*House Bill No. 745** -- Labor and Workforce Development, Dept. of - As introduced, creates the "Tennessee Work Ready Opportunity Program," to assess and certify individuals' career readiness using nationally recognized assessments. - Amends TCA Title 49, Chapter 11; Title 49, Chapter 6 and Title 49, Chapter 7. by \*Haston, \*Griffey, \*Hazlewood. (SB1135 by \*White)

Rep. Haston requested that House Bill No. 745 be moved to the heel of the Calendar, which motion prevailed.

**House Bill No. 419** -- TennCare - As introduced, adds chiropractic services performed by a person authorized to engage in the practice of chiropractic to the list of healthcare services that may be included as covered TennCare medical assistance; requires TennCare medical assistance include payment for chiropractic services for persons 18 years of age and older. - Amends TCA Title 71, Chapter 5. by \*Cepicky, \*Sexton C, \*Smith, \*Rudder, \*Hazlewood, \*Doggett, \*Todd, \*Eldridge, \*Powers, \*Helton. (\*SB319 by \*Hensley, \*Bowling)

Rep. Cepicky moved that House Bill No. 419 be passed on third and final consideration.

Rep. Kumar moved adoption of Insurance Committee Amendment No. 1 as follows:

### **Amendment No. 1**

AMEND House Bill No. 419 by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 71-5-107(a), is amended by adding the following as a new subdivision:

( ) Services within the practice of chiropractic performed by a person who is authorized by title 63, chapter 4, to engage in the practice of chiropractic.

SECTION 2. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2022, the public welfare requiring it.

On motion, Insurance Committee Amendment No. 1 was adopted.

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Rep. Cepicky moved that **House Bill No. 419**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	78
Noes.....	11
Present and not voting.....	2

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Cochran, Crawford, Curcio, Darby, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, McKenzie, Miller, Moody, Moon, Ogles, Parkinson, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Terry, Thompson, Todd, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--78

Representatives voting no were: Clemmons, Dixie, Hardaway, Harris, Hodges, Johnson G, Lamar, Mitchell, Potts, Stewart, Towns--11

Representatives present and not voting were: Chism, Travis--2

A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **House Bill No. 419** and have this statement entered in the Journal: Rep. Doggett.

### REGULAR CALENDAR, CONTINUED

**\*House Bill No. 6** -- Tennessee Higher Education Commission - As introduced, requires the commission to establish a four-year pilot program to award completion grants to Tennessee Promise scholarship students who have an immediate financial need or who are experiencing a financial hardship that may prevent the student from completing a postsecondary degree or credential. - Amends TCA Title 49. by \*Cepicky, \*Hazlewood, \*Smith, \*Todd, \*Miller, \*Littleton, \*White, \*Powers, \*Moody, \*Helton. (SB229 by \*Hensley)

Rep. Cepicky moved that House Bill No. 6 be passed on third and final consideration.

Rep. Hazlewood moved adoption of Finance, Ways, and Means Committee Amendment No. 1 as follows:

#### Amendment No. 1

AMEND House Bill No. 6 by deleting subsection (f) of Section 1 and substituting instead the following:

(f) Subject to appropriation in the general appropriations act:

(1) The commission shall not:

(A) Use net proceeds of the state lottery to fund completion grants awarded pursuant to this section; or

(B) Award more than two hundred fifty thousand dollars (\$250,000) in completion grants in the first year of the pilot program or in any subsequent year of the pilot program;

(2) The commission shall only use funds available to the commission from the unexpended balance of the qualified work-based learning grant fund established pursuant to § 49-11-903 to award completion grants pursuant to this section;

(3) All funds allocated to the commission from the funds available in the qualified work-based learning grant fund for purposes of this section that remain unexpended at the end of a fiscal year do not revert to the general fund, but must be carried forward into subsequent fiscal years to effectuate the purposes of this section;

(4) Funds allocated to the commission from the qualified work-based learning grant fund for purposes of this section for each fiscal year must provide the commission with sufficient funds to ensure that the minimum balance of funds available to the commission on July 1 of that fiscal year is not less than two hundred fifty thousand dollars (\$250,000), including any funds that may have been carried forward from preceding fiscal years; and

(5) Any funds that remain unexpended at the conclusion of the pilot program revert to the general fund at the end of the fiscal year.

On motion, Finance, Ways, and Means Committee Amendment No. 1 was adopted.

Rep. Cepicky moved that **House Bill No. 6**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 91  
Noes..... 0

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--91

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **House Bill No. 6** and have this statement entered in the Journal: Rep. Doggett.

REGULAR CALENDAR, CONTINUED

**House Bill No. 1433** -- Sentencing - As introduced, requires an offender to serve the entire sentence imposed without sentence reduction credits or release eligibility for any offense committed on or after July 1, 2021. - Amends TCA Title 39; Title 40 and Title 41. by \*Holsclaw, \*Lamberth, \*Hazlewood, \*Hardaway. (\*SB1373 by \*Bell)

Rep. Holsclaw requested that House Bill No. 1433 be moved to the heel of the Calendar, which motion prevailed.

**\*House Bill No. 417** -- Child Abuse - As introduced, adds to the definition of "severe child abuse" the act of knowingly or with negligence allowing a child to be within a structure where a Schedule I or II controlled substance is present and accessible to the child. - Amends TCA Title 37. by \*Littleton, \*Griffey, \*Hardaway, \*Smith, \*Moody, \*Helton, \*Todd, \*Howell, \*Whitson, \*Eldridge. (SB1530 by \*Roberts)

On motion, House Bill No. 417 was made to conform with **Senate Bill No. 1530**; the Senate Bill was substituted for the House Bill.

Rep. Littleton moved that Senate Bill No. 1530 be passed on third and final consideration.

Rep. Jernigan moved that Civil Justice Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Littleton moved that **Senate Bill No. 1530** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes.....	0

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--94

A motion to reconsider was tabled.

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**\*House Bill No. 427** -- Sexual Offenses - As introduced, states that a victim of sexual battery is incapable of consenting to sexual contact with a physician, psychologist, therapist, or certain other professionals during the course of receiving treatment for a mental, emotional, or physical condition or an interpersonal relationship. - Amends TCA Title 39, Chapter 13, Part 5. by \*Littleton, \*Sexton J, \*Smith, \*Helton, \*Jernigan. (SB1531 by \*Roberts)

On motion, House Bill No. 427 was made to conform with **Senate Bill No. 1531**; the Senate Bill was substituted for the House Bill.

Rep. Littleton moved that Senate Bill No. 1531 be passed on third and final consideration.

Rep. Curcio moved that Criminal Justice Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Littleton moved that **Senate Bill No. 1531** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes.....	0

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Terry, Thompson, Todd, Towns, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--93

A motion to reconsider was tabled.

**House Bill No. 656** -- Municipal Government - As introduced, reduces from 24 hours to 16 hours the required amount of continuing professional education for certified municipal finance officers (CMFO); authorizes a municipality to contract with a certified public accountant to act as a CMFO; makes candidates for CMFO certification eligible for an examination stipend and travel and meal reimbursement, subject to available funding; removes outdated compliance timelines. - Amends TCA Title 6, Chapter 56, Part 4. by \*Moon, \*Camper. (\*SB538 by \*Stevens)

Rep. Moon moved that House Bill No. 656 be passed on third and final consideration.

Rep. Hazlewood moved adoption of Finance, Ways, and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 656 by deleting Section 3 and renumbering the effective date section accordingly.

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On motion, Finance, Ways, and Means Committee Amendment No. 1 was adopted.

Rep. Moon moved that **House Bill No. 656**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes.....	0

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--92

A motion to reconsider was tabled.

**\*House Bill No. 1039** -- Unemployment Compensation - As introduced, changes the time when the commissioner of labor and workforce development must make a report to the general assembly concerning the condition of the unemployment trust fund from no later than February 1 of each year to no later than February 14. - Amends TCA Title 4; Title 50 and Title 56. by \*Vaughan, \*Faison, \*Cochran, \*Eldridge, \*Grills, \*Hall, \*Sexton J, \*Zachary, \*Hurt, \*Ogles, \*Bricken, \*Smith, \*Reedy, \*Helton, \*White, \*Todd, \*Littleton, \*Alexander, \*Marsh, \*Weaver, \*Gillespie, \*Mannis. (SB1402 by \*Lundberg)

Rep. Vaughan moved that House Bill No. 1039 be passed on third and final consideration.

Rep. Bricken moved that Commerce Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Hazlewood moved adoption of Finance, Ways, and Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

### **Amendment No. 2**

AMEND House Bill No. 1039 by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 50-7-301(b), is amended by deleting the benefit table and substituting:

#### **BENEFIT TABLE**

(Effective for benefit years established on and after July 5, 1992)

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<u>COLUMN A</u>	<u>COLUMN B</u>
Average Wages Paid in Highest Two Quarters of Base Period	Weekly Benefit Amount
\$ 780.01 through \$ 806.00	\$55.00
806.01 through 832.00	56.00
832.01 through 858.00	57.00
858.01 through 884.00	58.00
884.01 through 910.00	59.00
910.01 through 936.00	60.00
936.01 through 962.00	61.00
962.01 through 988.00	62.00
988.01 through 1,014.00	63.00
1,014.01 through 1,040.00	64.00
1,040.01 through 1,066.00	65.00
1,066.01 through 1,092.00	66.00
1,092.01 through 1,118.00	67.00
1,118.01 through 1,144.00	68.00
1,144.01 through 1,170.00	69.00
1,170.01 through 1,196.00	70.00
1,196.01 through 1,222.00	71.00
1,222.01 through 1,248.00	72.00
1,248.01 through 1,274.00	73.00
1,274.01 through 1,300.00	74.00
1,300.01 through 1,326.00	75.00
1,326.01 through 1,352.00	76.00
1,352.01 through 1,378.00	77.00
1,378.01 through 1,404.00	78.00



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1,404.01 through 1,430.00	79.00
1,430.01 through 1,456.00	80.00
1,456.01 through 1,482.00	81.00
1,482.01 through 1,508.00	82.00
1,508.01 through 1,534.00	83.00
1,534.01 through 1,560.00	84.00
1,560.01 through 1,586.00	85.00
1,586.01 through 1,612.00	86.00
1,612.01 through 1,638.00	87.00
1,638.01 through 1,664.00	88.00
1,664.01 through 1,690.00	89.00
1,690.01 through 1,716.00	90.00
1,716.01 through 1,742.00	91.00
1,742.01 through 1,768.00	92.00
1,768.01 through 1,794.00	93.00
1,794.01 through 1,820.00	94.00
1,820.01 through 1,846.00	95.00
1,846.01 through 1,872.00	96.00
1,872.01 through 1,898.00	97.00
1,898.01 through 1,924.00	98.00
1,924.01 through 1,950.00	99.00
1,950.01 through 1,976.00	100.00
1,976.01 through 2,002.00	101.00
2,002.01 through 2,028.00	102.00
2,028.01 through 2,054.00	103.00

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2,054.01 through 2,080.00	104.00
2,080.01 through 2,106.00	105.00
2,106.01 through 2,132.00	106.00
2,132.01 through 2,158.00	107.00
2,158.01 through 2,184.00	108.00
2,184.01 through 2,210.00	109.00
2,210.01 through 2,236.00	110.00
2,236.01 through 2,262.00	111.00
2,262.01 through 2,288.00	112.00
2,288.01 through 2,314.00	113.00
2,314.01 through 2,340.00	114.00
2,340.01 through 2,366.00	115.00
2,366.01 through 2,392.00	116.00
2,392.01 through 2,418.00	117.00
2,418.01 through 2,444.00	118.00
2,444.01 through 2,470.00	119.00
2,470.01 through 2,496.00	120.00
2,496.01 through 2,522.00	121.00
2,522.01 through 2,548.00	122.00
2,548.01 through 2,574.00	123.00
2,574.01 through 2,600.00	124.00
2,600.01 through 2,626.00	125.00
2,626.01 through 2,652.00	126.00
2,652.01 through 2,678.00	127.00
2,678.01 through 2,704.00	128.00
2,704.01 through 2,730.00	129.00

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2,730.01 through 2,756.00	130.00
2,756.01 through 2,782.00	131.00
2,782.01 through 2,808.00	132.00
2,808.01 through 2,834.00	133.00
2,834.01 through 2,860.00	134.00
2,860.01 through 2,886.00	135.00
2,886.01 through 2,912.00	136.00
2,912.01 through 2,938.00	137.00
2,938.01 through 2,964.00	138.00
2,964.01 through 2,990.00	139.00
2,990.01 through 3,016.00	140.00
3,016.01 through 3,042.00	141.00
3,042.01 through 3,068.00	142.00
3,068.01 through 3,094.00	143.00
3,094.01 through 3,120.00	144.00
3,120.01 through 3,146.00	145.00
3,146.01 through 3,172.00	146.00
3,172.01 through 3,198.00	147.00
3,198.01 through 3,224.00	148.00
3,224.01 through 3,250.00	149.00
3,250.01 through 3,276.00	150.00
3,276.01 through 3,302.00	151.00
3,302.01 through 3,328.00	152.00
3,328.01 through 3,354.00	153.00
3,354.01 through 3,380.00	154.00

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3,380.01 through 3,406.00	155.00
3,406.01 through 3,432.00	156.00
3,432.01 through 3,458.00	157.00
3,458.01 through 3,484.00	158.00
3,484.01 through 3,510.00	159.00
3,510.01 through 3,536.00	160.00
3,536.01 through 3,562.00	161.00
3,562.01 through 3,588.00	162.00
3,588.01 through 3,614.00	163.00
3,614.01 through 3,640.00	164.00
3,640.01 through 3,666.00	165.00
3,666.01 through 3,692.00	166.00
3,692.01 through 3,718.00	167.00
3,718.01 through 3,744.00	168.00
3,744.01 through 3,770.00	169.00
3,770.01 through 3,796.00	170.00
3,796.01 through 3,822.00	171.00
3,822.01 through 3,848.00	172.00
3,848.01 through 3,874.00	173.00
3,874.01 through 3,900.00	174.00
3,900.01 through 3,926.00	175.00
3,926.01 through 3,952.00	176.00
3,952.01 through 3,978.00	177.00
3,978.01 through 4,004.00	178.00
4,004.01 through 4,030.00	179.00
4,030.01 through 4,056.00	180.00

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4,056.01 through 4,082.00	181.00
4,082.01 through 4,108.00	182.00
4,108.01 through 4,134.00	183.00
4,134.01 through 4,160.00	184.00
4,160.01 through 4,186.00	185.00
4,186.01 through 4,212.00	186.00
4,212.01 through 4,238.00	187.00
4,238.01 through 4,264.00	188.00
4,264.01 through 4,290.00	189.00
4,290.01 through 4,316.00	190.00
4,316.01 through 4,342.00	191.00
4,342.01 through 4,368.00	192.00
4,368.01 through 4,394.00	193.00
4,394.01 through 4,420.00	194.00

(Effective for Benefit Years Established on or after July 4, 1993)

<u>COLUMN A</u>	<u>COLUMN B</u>
Average Wages Paid in Highest Two Quarters of Base Period	Weekly Benefit Amount
\$ 4,420.01 through \$ 4,446.00	\$195.00
4,446.01 through 4,472.00	196.00
4,472.01 through 4,498.00	197.00
4,498.01 through 4,524.00	198.00
4,524.01 through 4,550.00	199.00
4,550.01 through 4,576.00	200.00
4,576.01 through 4,602.00	201.00
4,602.01 through 4,628.00	202.00

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4,628.01 through 4,654.00	203.00
4,654.01 through 4,680.00	204.00
4,680.01 through 4,706.00	205.00
4,706.01 through 4,732.00	206.00
4,732.01 through 4,758.00	207.00
4,758.01 through 4,784.00	208.00
4,784.01 through 4,810.00	209.00
4,810.01 through 4,836.00	210.00

(Effective for Benefit Years Established on or after July 3, 1994)

COLUMN A

COLUMN B

Average Wages Paid in Highest Two Quarters of Base Period

Weekly Benefit Amount

\$ 4,836.01 through \$ 4,862.00	\$211.00
4,862.01 through 4,888.00	212.00
4,888.01 through 4,914.00	213.00
4,914.01 through 4,940.00	214.00
4,940.01 through 4,966.00	215.00
4,966.01 through 4,992.00	216.00
4,992.01 through 5,018.00	217.00
5,018.01 through 5,044.00	218.00
5,044.01 through 5,070.00	219.00
5,070.01 through 5,096.00	220.00
5,096.01 through 5,122.00	221.00
5,122.01 through 5,148.00	222.00
5,148.01 through 5,174.00	223.00
5,174.01 through 5,200.00	224.00

(Effective for Benefit Years Established on or after July 7, 1996)

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<u>COLUMN A</u>	<u>COLUMN B</u>
Average Wages Paid in Highest Two Quarters of Base Period	Weekly Benefit Amount
\$ 5,200.01 through \$ 5,226.00	\$225.00
5,226.01 through 5,252.00	226.00
5,252.01 through 5,278.00	227.00
5,278.01 through 5,304.00	228.00
5,304.01 through 5,330.00	229.00
5,330.01 through 5,356.00	230.00
5,356.01 through 5,382.00	231.00
5,382.01 through 5,408.00	232.00
5,408.01 through 5,434.00	233.00
5,434.01 through 5,460.00	234.00
5,460.01 through 5,486.00	235.00
5,486.01 through 5,512.00	236.00
5,512.01 through 5,538.00	237.00
5,538.01 through 5,564.00	238.00
5,564.01 through 5,590.00	239.00
5,590.01 through 5,616.00	240.00
5,616.01 through 5,642.00	241.00
5,642.01 through 5,668.00	242.00
5,668.01 through 5,694.00	243.00
5,694.01 through 5,720.00	244.00
5,720.01 through 5,746.00	245.00
(Effective for Benefit Years Established on or after July 6, 1997)	
<u>COLUMN A</u>	<u>COLUMN B</u>

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Average Wages Paid in Highest Two Quarters of Base Period	Weekly Benefit Amount
\$ 5,746.01 through \$ 5,772.00	\$246.00
5,772.01 through 5,798.00	247.00
5,798.01 through 5,824.00	248.00
5,824.01 through 5,850.00	249.00
5,850.01 through 5,876.00	250.00
5,876.01 through 5,902.00	251.00
5,902.01 through 5,928.00	252.00
5,928.01 through 5,954.00	253.00
5,954.01 through 5,980.00	254.00
5,980.01 through 6,006.00	255.00
6,006.01 through 6,032.00	256.00
6,032.01 through 6,058.00	257.00
6,058.01 through 6,084.00	258.00
6,084.01 through 6,110.00	259.00
6,110.01 through 6,136.00	260.00
6,136.01 through 6,162.00	261.00
6,162.01 through 6,188.00	262.00
6,188.01 through 6,214.00	263.00
6,214.01 through 6,240.00	264.00
6,240.01 through 6,266.00	265.00

(Effective for Benefit Years Established on or after July 5, 1998)

<u>COLUMN A</u>	<u>COLUMN B</u>
Average Wages Paid in Highest Two Quarters of Base Period	Weekly Benefit Amount
\$ 6,266.01 through \$ 6,292.00	\$266.00
6,292.01 through 6,318.00	267.00



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6,318.01 through 6,344.00	268.00
6,344.01 through 6,370.00	269.00
6,370.01 through 6,396.00	270.00
6,396.01 through 6,422.00	271.00
6,422.01 through 6,448.00	272.00
6,448.01 through 6,474.00	273.00
6,474.01 through 6,500.00	274.00
6,500.01 through 6,526.00	275.00
6,526.01 through 6,552.00	276.00
6,552.01 through 6,578.00	277.00
6,578.01 through 6,604.00	278.00
6,604.01 through 6,630.00	279.00
6,630.01 through 6,656.00	280.00

(Effective for Benefit Years Established on or after August 5, 2001)

**COLUMN A**

**COLUMN B**

Average Wages Paid in Highest Two Quarters of Base Period

Weekly Benefit Amount

\$ 6,656.01 through \$ 6,682.00	\$281.00
6,682.01 through 6,708.00	282.00
6,708.01 through 6,734.00	283.00
6,734.01 through 6,760.00	284.00
6,760.01 through 6,786.00	285.00
6,786.01 through 6,812.00	286.00
6,812.01 through 6,838.00	287.00
6,838.01 through 6,864.00	288.00
6,864.01 through 6,890.00	289.00

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6,890.01 through 6,916.00	290.00
6,916.01 through 6,942.00	291.00
6,942.01 through 6,968.00	292.00
6,968.01 through 6,994.00	293.00
6,994.01 through 7,020.00	294.00
7,020.01 through 7,046.00	295.00
7,046.01 through 7,072.00	296.00
7,072.01 through 7,098.00	297.00
7,098.01 through 7,124.00	298.00
7,124.01 through 7,150.00	299.00
7,150.01 and over	300.00

SECTION 2. Tennessee Code Annotated, Section 50-7-301, is amended by deleting subsection (d) and substituting:

**(d) Maximum Benefits.**

(1) Beginning with those benefit years established on July 4, 1983, and ending November 30, 2023, a claimant is eligible during a benefit year to a total amount of benefits equal to whichever is the lesser of:

(A) Twenty-six (26) times the claimant's weekly benefit amount; or

(B) One-fourth (1/4) of the claimant's wages for insured work paid.

(2) Beginning with those benefit years established on December 1, 2023, a claimant is eligible during a benefit year to a total amount of benefits:

(A) Equal to:

(i) Twelve (12) weeks, if the state average unemployment rate is at or below five and five-tenths percent (5.5%); and

(ii) An additional week in addition to the twelve (12) weeks described in subdivision (d)(2)(A)(i) for each five-tenths percent (0.5%) increment in the state's average

unemployment rate above five and five-tenths percent (5.5%); and

(B) Up to a maximum of twenty (20) weeks if the state's average unemployment rate exceeds nine percent (9%).

(3)

(A) The total amount of benefits, if not a multiple of one dollar (\$1.00), must be computed at the next lower multiple of one dollar (\$1.00).

(B) A claimant is not entitled to benefits if the claimant's base period earnings are less than forty (40) times the claimant's weekly benefit amount.

(C) A claimant is not entitled to benefits if the claimant's base period earnings, outside the claimant's highest calendar quarter of earnings, are less than the lesser of six (6) times the claimant's weekly benefit amount or nine hundred dollars (\$900).

(4)

(A) For purposes of subdivision (d)(2)(A), the department shall determine the state average unemployment rate biannually, and the rate must be equal to the seasonally adjusted unemployment rate, as published by the United States department of labor.

(B) Notwithstanding subdivision (d)(2)(A), a claimant's maximum eligibility shall not be reduced or increased during a benefit year for a claim.

SECTION 3. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 4. Section 1 and Section 2 take effect December 1, 2023, the public welfare requiring it; all other provisions of this act take effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways, and Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Clemmons moved that House Amendment No. 3 be withdrawn, which motion prevailed.

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Rep. Clemmons moved that the House consider House Amendment No. 4 pursuant to **Rule No. 60 (B)**, which motion failed by the following vote:

Ayes ..... 25  
Noes ..... 68

Representatives voting aye were: Beck, Camper, Chism, Clemmons, Dixie, Freeman, Hakeem, Hall, Hardaway, Harris, Hodges, Jernigan, Johnson G, Lamar, Love, McKenzie, Miller, Mitchell, Parkinson, Potts, Powell, Stewart, Thompson, Towns, Windle--25

Representatives voting no were: Alexander, Baum, Boyd, Bricken, Calfee, Campbell S, Carr, Carringer, Casada, Cepicky, Cochran, Crawford, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Grills, Halford, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Sherrell, Smith, Sparks, Terry, Todd, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--68

Rep. Williams moved to limit debate to five minutes per member, which motion prevailed by the following vote:

Ayes ..... 68  
Noes ..... 23

Representatives voting aye were: Alexander, Baum, Boyd, Bricken, Calfee, Campbell S, Carr, Carringer, Casada, Cepicky, Cochran, Crawford, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Gillespie, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hurt, Johnson C, Keisling, Kumar, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, Mitchell, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Sherrell, Smith, Sparks, Terry, Todd, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--68

Representatives voting no were: Beck, Camper, Chism, Clemmons, Dixie, Freeman, Hakeem, Hardaway, Harris, Hodges, Jernigan, Johnson G, Lamar, Love, McKenzie, Parkinson, Potts, Powell, Shaw, Stewart, Thompson, Towns, Windle--23

Rep. Powers moved the previous question, which motion prevailed by the following vote:

Ayes ..... 68  
Noes ..... 25

Representatives voting aye were: Alexander, Baum, Boyd, Bricken, Calfee, Campbell S, Carr, Carringer, Casada, Cepicky, Cochran, Crawford, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sherrell, Smith, Sparks, Terry, Todd, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--68

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Representatives voting no were: Beck, Camper, Chism, Clemmons, Dixie, Freeman, Hakeem, Hardaway, Harris, Hodges, Jernigan, Johnson G, Lamar, Love, McKenzie, Miller, Mitchell, Parkinson, Potts, Powell, Sexton J, Shaw, Stewart, Towns, Windle--25

Rep. Vaughan moved that **House Bill No. 1039**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	69
Noes.....	25

Representatives voting aye were: Alexander, Baum, Boyd, Bricken, Calfee, Campbell S, Carr, Carringer, Casada, Cepicky, Cochran, Crawford, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Sherrell, Smith, Sparks, Terry, Todd, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--69

Representatives voting no were: Beck, Camper, Chism, Clemmons, Dixie, Freeman, Hakeem, Hardaway, Harris, Hodges, Jernigan, Johnson G, Lamar, Love, McKenzie, Miller, Mitchell, Parkinson, Potts, Powell, Shaw, Stewart, Thompson, Towns, Windle--25

A motion to reconsider was tabled.

**\*House Bill No. 226** -- Health Care - As introduced, authorizes medical laboratory directors to monitor personnel remotely; creates exceptions to the Tennessee Medical Laboratory Act for pharmacies and private laboratories; redefines "waived" as it applies to the Act. - Amends TCA Title 4 and Title 68, Chapter 29. by \*Vaughan, \*White, \*Hazlewood, \*Smith. (SB982 by \*Massey)

On motion, House Bill No. 226 was made to conform with **Senate Bill No. 982**; the Senate Bill was substituted for the House Bill.

Rep. Vaughan moved that Senate Bill No. 982 be passed on third and final consideration.

Rep. Terry moved that Health Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Vaughan moved that **Senate Bill No. 982** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	74
Noes.....	19

Representatives voting aye were: Alexander, Baum, Boyd, Bricken, Calfee, Campbell S, Carr, Carringer, Casada, Cepicky, Cochran, Crawford, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, Moody, Moon, Ogles, Powell, Powers, Ragan,

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Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Terry, Thompson, Todd, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--74

Representatives voting no were: Beck, Camper, Chism, Clemmons, Dixie, Freeman, Hakeem, Hardaway, Harris, Hodges, Johnson G, Lamar, McKenzie, Miller, Mitchell, Parkinson, Potts, Stewart, Towns--19

A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "aye" to "no" on **Senate Bill No. 982** and have this statement entered in the Journal: Rep. Powell.

### REGULAR CALENDAR, CONTINUED

**House Bill No. 443** -- Medical Occupations - As introduced, reduces, from 15 to 10, the number of days that the comptroller has to determine if certain financing agreements to fund a medical school under the Medical School Authorities Act are in compliance with the guidelines, rules, and regulations of the state funding board. - Amends TCA Title 7; Title 33; Title 49; Title 63 and Title 68. by \*Vaughan, \*Gillespie, \*Williams, \*Hazlewood, \*Hardaway, \*Hicks G, \*Ogles, \*Smith, \*Moody, \*Todd, \*Love, \*Helton, \*Thompson, \*Terry, \*Howell, \*Gant, \*Alexander, \*Freeman, \*Hurt. (\*SB298 by \*Briggs, \*Stevens)

On motion, House Bill No. 443 was made to conform with **Senate Bill No. 298**; the Senate Bill was substituted for the House Bill.

Rep. Vaughan moved that Senate Bill No. 298 be passed on third and final consideration.

Rep. White moved that Education Administration Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Hazlewood moved that Finance, Ways, and Means Committee Amendment No. 1, as House Amendment No. 2, be withdrawn, which motion prevailed.

Rep. Hazlewood moved that Finance, Ways, and Means Committee Amendment No. 2, as House Amendment No. 3, be withdrawn, which motion prevailed.

Rep. Williams moved that House Amendment No. 4 be withdrawn, which motion prevailed.

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Rep. Vaughan moved that **Senate Bill No. 298** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 90  
Noes ..... 1

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--90

Representatives voting no were: Mitchell--1

A motion to reconsider was tabled.

**\*House Bill No. 1246** -- Education, Higher - As introduced, enacts the "Students Right to Know Act." - Amends TCA Title 49, Chapter 7. by \*Calfee, \*Ragan, \*Parkinson, \*Hazlewood, \*Hardaway, \*Thompson, \*Todd. (SB1521 by \*Roberts)

On motion, House Bill No. 1246 was made to conform with **Senate Bill No. 1521**; the Senate Bill was substituted for the House Bill.

Rep. Calfee moved that Senate Bill No. 1521 be passed on third and final consideration.

Rep. White moved that Education Administration Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Calfee moved that **Senate Bill No. 1521** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 89  
Noes ..... 1

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Mr. Speaker Sexton--89

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Representatives voting no were: Mitchell--1

A motion to reconsider was tabled.

**House Bill No. 22** -- Criminal Offenses - As introduced, increases the penalty for drag racing from a Class B misdemeanor to a Class A misdemeanor. - Amends TCA Title 39 and Title 55. by \*Gillespie, \*Harris, \*Garrett, \*Powell, \*Potts, \*Lamberth, \*Thompson, \*Moon, \*Camper, \*Griffey, \*Farmer, \*Moody, \*Hardaway, \*Love, \*Hazlewood, \*Todd, \*Freeman, \*Whitson, \*Williams, \*Jernigan, \*Carr, \*Eldridge, \*Marsh, \*Helton. (\*SB14 by \*Kelsey, \*Yarbro, \*Campbell, \*Rose)

On motion, House Bill No. 22 was made to conform with **Senate Bill No. 14**; the Senate Bill was substituted for the House Bill.

Rep. Gillespie moved that Senate Bill No. 14 be passed on third and final consideration.

Rep. Travis moved the previous question, which motion prevailed.

**EXCUSED**

The Speaker announced that the following member has been excused, pursuant to request under **Rule No. 20**:

Representative Lamar

**REGULAR CALENDAR, CONTINUED**

Rep. Gillespie moved that **Senate Bill No. 14** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 90  
Noes..... 0

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Farmer, Freeman, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudder, Russell, Sexton J, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--90

A motion to reconsider was tabled.



**TUESDAY, MAY 4, 2021 – THIRTY-THIRD LEGISLATIVE DAY**

**House Bill No. 1044** -- Public Utility Commission - As introduced, extends the time period the general assembly has to confirm an appointment to the commission from 30 days to 90 days. - Amends TCA Title 65, Chapter 1 and Title 65, Chapter 2. by \*Hall, \*Todd, \*Williams. (\*SB242 by \*Roberts)

On motion, House Bill No. 1044 was made to conform with **Senate Bill No. 242**; the Senate Bill was substituted for the House Bill.

Rep. Hall moved that Senate Bill No. 242 be passed on third and final consideration.

Rep. Vaughan moved that Commerce Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Hall moved that **Senate Bill No. 242** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	88
Noes.....	3

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Cochran, Crawford, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Terry, Thompson, Todd, Towns, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--88

Representatives voting no were: Clemmons, Dixie, Stewart--3

A motion to reconsider was tabled.

**House Bill No. 713** -- Local Education Agencies - As introduced, requires an LEA to allocate prorated daily per pupil state and local funding to an out-of-state residential mental health facility if a student of the LEA is admitted to the facility and certain conditions are met. - Amends TCA Title 49. by \*Hurt, \*Whitson. (\*SB449 by \*Bell)

Rep. Hurt requested that House Bill No. 713 be moved down 15 places on today's Calendar, which motion prevailed.

**\*House Bill No. 9** -- Professions and Occupations - As introduced, repeals the Locksmith Licensing Act of 2006. - Amends TCA Title 62, Chapter 11; Title 62, Chapter 35 and Title 62, Chapter 76. by \*Reedy, \*Whitson, \*Ramsey, \*Moody, \*Faison, \*Howell. (SB12 by \*Bowling, \*Gardenhire)

On motion, House Bill No. 9 was made to conform with **Senate Bill No. 12**; the Senate Bill was substituted for the House Bill.

**TUESDAY, MAY 4, 2021 – THIRTY-THIRD LEGISLATIVE DAY**

Rep. Reedy moved that Senate Bill No. 12 be passed on third and final consideration.

Rep. Gillespie moved the previous question, which motion prevailed.

Rep. Reedy moved that **Senate Bill No. 12** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	81
Noes .....	9

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Cochran, Crawford, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, Miller, Moody, Moon, Ogles, Parkinson, Potts, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Terry, Todd, Towns, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--81

Representatives voting no were: Clemmons, Dixie, Hardaway, Harris, Johnson G, McKenzie, Powell, Stewart, Thompson--9

A motion to reconsider was tabled.

**House Bill No. 761** -- Taxes, Sales - As introduced, exempts from sales tax purchases of gun safes and gun safety devices. - Amends TCA Title 67, Chapter 6. by \*Sparks, \*Windle, \*Johnson G, \*Griffey, \*Sexton J, \*Lafferty, \*Eldridge, \*Moon, \*Ragan, \*Johnson C, \*Doggett, \*Littleton, \*Leatherwood, \*Powell, \*Smith, \*Lamar, \*Clemmons, \*Warner, \*Helton, \*Jernigan, \*Chism, \*Grills, \*Parkinson, \*Faison, \*Weaver, \*Bricken, \*Gillespie, \*Hardaway, \*Powers, \*Vaughan, \*Russell, \*Cochran, \*Darby, \*Freeman, \*Harris, \*Garrett, \*Mitchell, \*Farmer, \*Sherrell, \*Hakeem, \*Mannis, \*Beck, \*Thompson, \*Haston, \*Hulsey, \*Rudd, \*Moody, \*Zachary, \*Ramsey, \*Baum, \*Hawk, \*Curcio, \*Miller, \*Whitson, \*Lynn, \*Carr, \*Boyd, \*Casada, \*Lamberth, \*Williams, \*Crawford, \*Terry, \*Ogles, \*White, \*Calfee, \*Hall, \*Hazlewood, \*Hicks G, \*Reedy, \*Todd, \*Cepicky, \*Gant, \*Howell, \*Hurt, \*Keisling, \*Rudder. (\*SB551 by \*Kyle, \*Roberts, \*Gilmore)

On motion, House Bill No. 761 was made to conform with **Senate Bill No. 551**; the Senate Bill was substituted for the House Bill.

Rep. Sparks moved that Senate Bill No. 551 be passed on third and final consideration.

Rep. Hazlewood moved that Finance, Ways, and Means Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Lamberth moved the previous question, which motion prevailed.

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Rep. Sparks moved that **Senate Bill No. 551** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 92  
Noes ..... 0

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--92

A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **Senate Bill No. 551** and have this statement entered in the Journal: Rep. Gillespie.

### REGULAR CALENDAR, CONTINUED

**\*House Bill No. 513** -- Criminal Offenses - As introduced, increases the penalty for obstructing a highway from a Class B or C misdemeanor to a Class E felony and makes other related changes; creates the offense of throwing an object at another while participating in a riot; creates the offense of intimidating or harassing another while participating in a riot. - Amends TCA Title 8; Title 39; Title 40; Title 54 and Title 55. by \*Gant, \*Lamberth, \*Faison, \*Terry, \*Grills, \*Todd, \*Moody, \*Crawford, \*Eldridge, \*Weaver, \*Howell, \*Zachary, \*Littleton, \*Cepicky, \*Lafferty, \*Reedy, \*Holsclaw, \*Doggett, \*Johnson C, \*Hawk, \*Lynn, \*Haston, \*Farmer, \*Griffey, \*Carringer, \*Halford, \*Hicks T, \*Rudd, \*Sherrell. (SB843 by \*Rose, \*Bowling)

Rep. Gant moved that **House Bill No. 513** be reset for the heel of the Regular Calendar on May 5, 2021, which motion prevailed.

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**\*House Bill No. 130** -- Intellectual & Developmental Disabilities, Dept. of - As introduced, requires the department to increase over a three-year period the wage for direct care professionals employed by contracted agencies of the department to \$15 per hour; requires annual increases in the hourly wage thereafter. - Amends TCA Title 33. by \*Hazlewood, \*White, \*Shaw, \*Curcio, \*Whitson, \*Hawk, \*Haston, \*Jernigan, \*Howell, \*Hodges, \*Littleton, \*Powell, \*Hall, \*Gillespie, \*Ramsey, \*Parkinson, \*Rudder, \*Freeman, \*Faison, \*Lamberth, \*Russell, \*Moon, \*Ogles, \*Hicks G, \*Wright, \*Towns, \*Hardaway, \*Garrett, \*Chism, \*Zachary, \*Bricken, \*Calfee, \*Leatherwood, \*Sherrell, \*Windle, \*Kumar, \*Smith, \*Moody, \*Doggett, \*Todd, \*Thompson, \*Eldridge, \*Helton, \*Cepicky, \*Alexander, \*Keisling, \*Hurt, \*Carringer, \*Hakeem, \*Beck, \*Boyd, \*Farmer, \*Warner, \*Williams, \*Baum, \*Gant, \*Miller, \*Hicks T, \*Camper, \*Powers, \*Johnson G, \*Sparks, \*Crawford, \*Lafferty, \*Marsh, \*Lynn, \*Love, \*Clemmons, \*Dixie, \*Mannis. (SB114 by \*Gardenhire, \*Jackson, \*Hensley, \*Bell, \*Kelsey, \*Kyle, \*Massey, \*Walley, \*Briggs, \*Campbell, \*White, \*Yager)

On motion, House Bill No. 130 was made to conform with **Senate Bill No. 114**; the Senate Bill was substituted for the House Bill.

Rep. Hazlewood moved that Senate Bill No. 114 be passed on third and final consideration.

Rep. Baum moved that Finance, Ways, and Means Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Hazlewood moved that **Senate Bill No. 114** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes.....	0

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--93

A motion to reconsider was tabled.

**House Bill No. 975** -- Taxes - As introduced, provides for the allocation of certain revenue from state and local sales taxes to pay for the capital and operation expenses associated with a motor sports facility. - Amends TCA Title 7, Chapter 3 and Title 67, Chapter 6. by \*Williams, \*Camper, \*Love. (\*SB679 by \*Lundberg)

Rep. Williams moved that House Bill No. 975 be passed on third and final consideration.

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Rep. Hazlewood moved adoption of Finance, Ways, and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 975 by deleting the following language from Section 2:

and also all sales of food, drinks, and merchandise sold on the premises in conjunction with those events, and all related services that are otherwise subject to sales tax to specifically include, but not be limited to, parking.

and substituting instead the following:

and from all sales of food, drinks, merchandise, and parking, which includes parking of recreational vehicles and other vehicles, regardless of whether such vehicles are used for overnight accommodations or connected to electric and water services, sold from a location on the premises of the motor sports facility in conjunction with an event occurring at the motor sports facility.

**AND FURTHER AMEND** by deleting the following language from Section 3:

and also the sale of food, drinks, and merchandise sold on the premises in conjunction with those events, and all related services that are otherwise subject to sales tax to specifically include, but not be limited to, parking.

and substituting instead the following:

and from all sales of food, drinks, merchandise, and parking, which includes parking of recreational vehicles and other vehicles, regardless of whether such vehicles are used for overnight accommodations or connected to electric and water services, sold from a location on the premises of the motor sports facility in conjunction with an event occurring at the motor sports facility.

**AND FURTHER AMEND** by deleting Section 4 and substituting instead the following:

SECTION 4. This act takes effect July 1, 2021, the public welfare requiring it.

On motion, Finance, Ways, and Means Committee Amendment No. 1 was adopted.

Rep. Williams moved that **House Bill No. 975**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	85
Noes.....	3
Present and not voting.....	2

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Chism, Clemmons, Crawford, Curcio, Darby, Dixie, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis,

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Marsh, McKenzie, Miller, Mitchell, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Thompson, Todd, Towns, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--85

Representatives voting no were: Cepicky, Doggett, Moody--3

Representatives present and not voting were: Grills, Terry--2

A motion to reconsider was tabled.

**House Bill No. 1522** -- Business and Commerce - As introduced, authorizes a nonprofit cooperative protective association engaged in the production of sheep to submit its annual report to the commissioner of commerce and insurance in electronic format. - Amends TCA Title 4; Title 5; Title 6; Title 7; Title 12; Title 13; Title 42; Title 43; Title 44; Title 45; Title 46; Title 47; Title 48; Title 50; Title 53; Title 54; Title 55; Title 56; Title 61; Title 62; Title 65; Title 66; Title 67 and Title 68. by \*Sexton C, \*Gant, \*Hardaway. (\*SB1552 by \*Bailey, \*Bowling)

On motion, House Bill No. 1522 was made to conform with **Senate Bill No. 1552**; the Senate Bill was substituted for the House Bill.

Rep. Gant moved that Senate Bill No. 1552 be passed on third and final consideration.

Rep. Hazlewood moved adoption of Finance, Ways, and Means Committee Amendment No. 1 as follows:

### **Amendment No. 1**

AMEND Senate Bill No. 1552 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-28-102, is amended by adding the following language as new, appropriately designated subdivisions:

( ) "End date profit share percentage" means a fee paid to the state by a qualified TNInvestco as provided in § 4-28-109 in an amount equal to ninety-nine percent (99%) of all distributions or payments made by a qualified TNInvestco that are not classified as qualified distributions, other than distributions or repayments of capital contributions by the TNInvestco's equity owners who are not participating investors and that occur after the program end date;

( ) "Program end date" means December 31, 2023;

SECTION 2. Tennessee Code Annotated, Section 4-28-108(c), is amended by deleting the language "The profit share percentage shall be paid to the state" and substituting instead the language "The profit share percentage or the end date profit share percentage shall be paid to the state".

SECTION 3. Tennessee Code Annotated, Section 4-28-109(a)(1)(A), is amended by deleting the following language:

At any time that the TNInvestco makes distributions, other than qualified distributions or distributions representing repayments of capital contributions, to its equity investors, the qualified TNInvestco shall pay to the state the profit share percentage.

and substituting instead the following:

Prior to or on the program end date, at any time that the TNInvestco makes distributions, other than qualified distributions or distributions representing repayments of capital contributions, to its equity investors, the qualified TNInvestco shall pay to the state the profit share percentage. After the program end date, at any time that the TNInvestco makes distributions, other than qualified distributions or distributions representing repayments of capital contributions, to its equity investors, the qualified TNInvestco shall pay to the state the end date profit share percentage.

SECTION 4. Tennessee Code Annotated, Section 4-28-109(a)(1)(B), is amended by deleting the language "to support the state's profit share percentage" and substituting instead the language "to support the state's profit share percentage or the end date profit share percentage".

SECTION 5. Tennessee Code Annotated, Section 4-28-115, is amended by adding the following language at the end of the section:

Qualified investments that are liquidated after the program end date must be distributed between the qualified TNInvestco and the state according to the end date profit share percentage.

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways, and Means Committee Amendment No. 1 was adopted.

Rep. Gant moved that **Senate Bill No. 1552**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 91  
Noes ..... 0

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Calfee, Campbell S, Camper, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis,

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Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker  
Sexton--91

A motion to reconsider was tabled.

**\*House Bill No. 865** -- Education, State Board of - As introduced, requires the board to determine the percentage of any increase in funds appropriated to the instructional salaries and wages component of the basic education program (BEP) and increase the minimum salary on the state salary schedule by that percentage. - Amends TCA Title 49. by \*Haston, \*Weaver, \*Hurt, \*Keisling, \*Windle, \*Darby, \*Moon, \*Sparks, \*Sherrell, \*Ogles, \*Bricken, \*Rudder, \*Todd, \*Cepicky, \*Smith, \*Crawford, \*Doggett, \*Carringer. (SB1338 by \*Hensley, \*Yager, \*Massey, \*Pody)

On motion, House Bill No. 865 was made to conform with **Senate Bill No. 1338**; the Senate Bill was substituted for the House Bill.

Rep. Haston moved that Senate Bill No. 1338 be passed on third and final consideration.

Rep. White moved that Education Administration Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Haston moved that **Senate Bill No. 1338** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--93

A motion to reconsider was tabled.

**House Bill No. 1501** -- Education - As introduced, enacts the "School Turnaround Pilot Program Act," which requires the department of education to develop and implement a five-year school turnaround pilot program for schools identified as in need of intervention. - Amends TCA Title 49, Chapter 1 and Title 49, Chapter 6. by \*Cochran, \*White, \*Todd, \*Smith, \*Howell. (\*SB122 by \*Haile)

On motion, House Bill No. 1501 was made to conform with **Senate Bill No. 122**; the Senate Bill was substituted for the House Bill.



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Rep. Cochran moved that Senate Bill No. 122 be passed on third and final consideration.

Rep. White moved that Education Administration Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Hazlewood moved that Finance, Ways, and Means Committee Amendment No. 1, as House Amendment No. 2, be withdrawn, which motion prevailed.

Rep. Cochran moved that **Senate Bill No. 122** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 81  
Noes..... 12

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Cochran, Crawford, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Moody, Moon, Ogles, Parkinson, Potts, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Terry, Todd, Towns, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--81

Representatives voting no were: Clemmons, Dixie, Hardaway, Harris, Hodges, Johnson G, Miller, Mitchell, Powell, Stewart, Thompson, Windle--12

A motion to reconsider was tabled.

**House Bill No. 1080** -- Medical Occupations - As introduced, makes various changes to laws regulating physician assistants. - Amends TCA Title 4; Title 33; Title 38; Title 48; Title 49; Title 53; Title 55; Title 56; Title 63; Title 68 and Title 71. by \*Sexton J, \*Russell, \*Hall, \*Cochran, \*Ramsey, \*Ragan, \*Sherrell, \*Smith. (\*SB671 by \*Bell, \*Niceley, \*Bowling, \*Crowe)

Rep. J. Sexton moved that House Bill No. 1080 be passed on third and final consideration.

Rep. Terry moved adoption of Health Committee Amendment No. 1 as follows:

### **Amendment No. 1**

AMEND House Bill No. 1080 by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 4-29-242(a)(10), is amended by deleting the subdivision.

SECTION 2. Tennessee Code Annotated, Section 4-29-245(a), is amended by adding the following as a new subdivision:

Board of physician assistants, created by § 63-19-103;

SECTION 3. Tennessee Code Annotated, Section 49-4-939(i), is amended by deleting "committee on physician assistants" and substituting "board of physician assistants".

SECTION 4. Tennessee Code Annotated, Section 53-10-303(a)(1)(H), is amended by deleting "board of medical examiners' committee on physician assistants" and substituting "board of physician assistants".

SECTION 5. Tennessee Code Annotated, Section 63-1-162(a)(7), is amended by deleting "board of medical examiners' committee on physician assistants" and substituting "board of physician assistants".

SECTION 6. Tennessee Code Annotated, Title 63, Chapter 19, Part 1, is amended by deleting the part and substituting:

**63-19-101. Short title.**

This part is known and may be cited as the "Physician Assistants Act."

**63-19-102. Part definitions.**

As used in this part:

(1) "Board" means the board of physician assistants, created by § 63-19-103;

(2) "Orthopedic physician assistant" (OPA-C) means an individual who renders service in collaboration with a licensed orthopedic physician or surgeon and who has been licensed by the board of physician assistants pursuant to this chapter as an orthopedic physician assistant;

(3) "Physician" means an individual lawfully licensed to practice medicine and surgery pursuant to chapter 6 of this title, osteopathic medicine pursuant to chapter 9 of this title, or podiatry pursuant to chapter 3 of this title; and

(4) "Physician assistant" means an individual who is licensed to render services, whether diagnostic or therapeutic, that are acts constituting the practice of medicine or osteopathic medicine and who meets the qualifications defined in this part.

**63-19-103. Board of physician assistants.**

(a)

(1) There is established the board of physician assistants to regulate physician assistants. The board must consist of nine (9) members appointed by the governor, each of whom is a resident of this

state, seven (7) of whom are physician assistants who meet the criteria for licensure as established by this part, one (1) of whom is a physician licensed under chapter 6 or 9 of this title, and one (1) of whom is a public member who is not licensed under this title.

(2) On the date this act becomes law for the purposes of the board being established, those members who are currently serving as members of the board of medical examiners' committee on physician assistants will become members of the board of physician assistants, except that any current member who is an orthopedic physician assistant will not become a member of the board of physician assistants pursuant to this subdivision (a)(2).

(b)

(1) Except as provided in subdivision (b)(2), each regular appointment is for a term of four (4) years. The governor shall fill a vacant term for the balance of the unexpired term. A member shall not serve more than two (2) consecutive four-year terms and each member shall serve on the board until a successor is appointed. In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that at least one (1) person serving on the board is a member of a racial minority.

(2)

(A) The former committee members' board appointments are four (4) years from the date the members were appointed to serve as members of the physician assistant committee.

(B) The former committee members shall not serve more than two (2) consecutive four-year terms, including the time served on the board of medical examiners' committee on physician assistants.

(C) The governor shall appoint one (1) board member with an initial term of one (1) year, one (1) board member with an initial term of two (2) years, and one (1) board member with an initial term of three (3) years. After the initial terms described in this subdivision (b)(2)(C), each term shall be four (4) years.

(c) While engaged in the business of the board, board members shall receive a per diem of one hundred dollars (\$100) and shall also receive compensation for actual expenses to be paid in accordance with comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

(d) The board shall elect a chair and secretary from among its members at the first meeting held in each fiscal year. A board meeting may be called upon

reasonable notice in the discretion of the chair and must be called at any time upon reasonable notice by a petition of three (3) board members to the chair.

(e)

(1) On the date this act becomes law for purposes of the board being established, the secretary of state shall transfer the rules of the board of medical examiners' committee on physician assistants, including Chapter 0880-03, general rules governing the practice of a physician assistant, and Chapter 0880-10, general rules governing the practice of an orthopedic physician assistant, to the board of physician assistants.

(2) The rules of the board of medical examiners' committee on physician assistants Chapters 0880-03 and 0880-10 will have full force and effect for the board of physician assistants until the board of physician assistants promulgates its own rules pursuant to this act and in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(3) The board of physician assistants is granted full power and authority to oversee and regulate physician assistants under the rules of the board of medical examiners' committee on physician assistants chapters 0880-03 and 0880-10 and the statutes and policies that governed physician assistants and orthopedic physician assistants before the formation of the board of physician assistants.

(f) For purposes of conducting administrative business and promulgating rules, five (5) members constitute a quorum, and the board shall meet at least twice a year to conduct such administrative business. A majority vote of the members present at the business meetings is required to authorize board action on any board business. For purposes of contested case hearings and disciplinary matters, three (3) or more members constitute a quorum, and the board chair is authorized, when it is deemed necessary, to split the board into panels of three (3) or more, each to conduct contested case hearings or disciplinary matters.

(g) A majority vote of the members present on any duly constituted panel is required to authorize board action in disciplinary matters and contested case hearings. The board chair has the authority to appoint board members to serve, as necessary, on the panels regardless of the grand division from which the appointed member was chosen or the member's status as a physician assistant, physician, or public member. The existence of a public member of the board creates no rights in any individual concerning the composition of any panel in any disciplinary matter or contested case hearing. Notwithstanding § 4-5-314(e) to the contrary, unavailability of a member of any panel before rendition of a final order does not require substitution of another member unless the unavailability results in there being less than the quorum required by this section for contested case hearings or disciplinary matters. Any substitute required shall use any existing record and may conduct further proceedings as is necessary in the interest of justice.

**63-19-104. Powers and duties of board.**

The board has the duty to:

(1) Unless otherwise specified in this chapter, promulgate, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, all rules that are reasonably necessary for the implementation of this chapter, including, but not limited to, rules that implement the administrative functions of the board and that specify the acts and offenses that subject the license holder to disciplinary action by the board pursuant to subdivision (7);

(2) Set fees, subject to the maximum limitations prescribed by this part, relative to the examination, licensure, and licensure renewal of physician assistants in an amount sufficient to pay all of the expenses of the board and establish and collect a late renewal fee from those physician assistants who fail to renew their licenses in a timely manner;

(3) Review the qualifications of, and approve or reject each applicant for initial licensure as a physician assistant;

(4) Biennially review the qualifications of, and approve or reject each applicant for biennial licensure renewal. The board shall condition approval for renewal on the receipt of evidence satisfactory to the board of the applicant's successful completion, within a two-year period prior to the application for license renewal, of one hundred (100) hours of continuing medical education approved by the American Academy of Physician Assistants, the American Medical Association, or the Accreditation Council for Continuing Medical Education. The two-year period within which an applicant must have obtained the required continuing medical education hours is either the twenty-four (24) months prior to submitting the application for renewal or the most recent two-year period utilized by the National Commission on Certification of Physician Assistants to determine whether that person has obtained sufficient continuing medical education hours to maintain that person's professional certification. The board may, in its discretion, waive or modify the continuing medical education requirement in cases of retirement, illness, disability, or other undue hardship;

(5) Issue all approved physician assistant licenses and renewals;

(6) Collect or receive all fees, fines, and moneys owed pursuant to this part and to pay the same into the general fund of the state. For the purpose of implementing subdivision (2), all fees, fines, and moneys collected pursuant to the regulation of physician assistants must be so designated. Any fiscal balance or deficit that the board of medical examiners' committee on physician assistants has at the time that this act becomes law must be transferred to the board of physician assistants' budget; and

(7) Deny a license, or discipline in accordance with § 63-19-110(a), a license holder who is guilty of violating any of the provisions of this part or who is guilty of violating the rules of the board promulgated pursuant to subdivision (1). When sanctions are imposed on a license holder pursuant to this subdivision (7) or this part, the license holder may, in addition, be required to pay the actual and reasonable costs of the investigation and prosecution of the case, including the costs incurred and assessed for the time of the prosecuting attorney or attorneys, the investigator or investigators, and any other persons involved in the investigation, prosecution, and hearing of the case. The board may limit, restrict, or impose one (1) or more conditions on a license at the time it is issued, renewed, or reinstated or as a sanction imposed at the conclusion of a disciplinary hearing.

**63-19-105. Qualifications and licensure.**

(a)

(1) An individual shall not represent to be or function as a physician assistant under this part unless the individual holds a valid physician assistant license or temporary license issued by the board. The board shall not license an individual as a physician assistant unless the individual:

(A) Has successfully completed a physician assistant educational program accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc., or its successor accrediting agency or, prior to 2001, by the Committee on Allied Health Education and Accreditation or the Commission on Accreditation of Allied Health Education Programs;

(B) Has passed the examination of the National Commission on Certification of Physician Assistants, or its successor agency;

(C) Submits an application on forms approved by the board;

(D) Pays the appropriate fees as determined by the board;

(E) Is mentally and physically able to engage safely in practice as a physician assistant;

(F) Has no license as a physician assistant under current discipline, revocation, suspension, or probation for cause resulting from the applicant's practice as a physician assistant, unless the board considers the condition and agrees to licensure; and

(G) Submits to the board other information the board deems necessary to evaluate the applicant's qualifications.

(2) Notwithstanding subdivisions (a)(1)(A) and (B), the board may license a person qualified as a physician assistant prior to April 26, 1983, and who has continued to represent to be or functioned as a physician assistant since that time. However, the board shall not license any person as a physician assistant after July 1, 1991, unless the person meets the requirements of subdivisions (a)(1)(A) and (B); provided, the board may continue to issue license renewals to any person who was licensed as a physician assistant prior to July 1, 1991.

(b) An individual licensed, registered, or certified as a physician assistant in another jurisdiction may be licensed as a physician assistant by the board if the individual meets the requirements and standards of this part. The board shall charge an applicant with any reasonable expense incurred by the board in verifying the licensure, registration, or certification by another jurisdiction of the applicant for licensure under this chapter.

(c) The board may issue a temporary license to an individual that allows the individual to function as a physician assistant under this part:

(1) For a period of twelve (12) months immediately following graduation to allow the individual an opportunity to attempt the examination;

(2) For a period of one (1) additional year thereafter in which to attempt and successfully complete the examination if the individual is not successful on the first attempt; or

(3) As provided in § 63-1-104, for an individual who has been out of clinical practice or inactive in their practice for an extended period of time, or who has been or is at the time of their application engaged exclusively in administrative practice.

(d) While an individual's application is pending, the board may issue a temporary license to that individual if the individual is licensed, registered, or certified as a physician assistant in another jurisdiction and if the board finds that the application is complete. The temporary license allows the individual to function as a physician assistant under this chapter. A temporary license issued under this subsection (d) is valid for a period of six (6) months and is not renewable. The board may require that an applicant for licensure as a physician assistant appear before the board to answer any questions regarding the applicant's fitness for licensure.

(e)

(1) The board may authorize any of its members or its consultant to conduct a review of the qualifications of an applicant for a license to practice as a physician assistant in this state and to make an initial determination as to whether the applicant has met all the requirements for licensure. If the board member or board consultant determines that the applicant has met all the requirements for licensure, then the applicant is authorized to practice as a physician assistant in this state until the board

makes a final decision on the application for licensure. The board may authorize the use of this procedure with respect to applicants for license renewal or reinstatement as well. A temporary authorization issued pursuant to a determination made by the board member or board consultant must not be effective for longer than a six-month period measured from the date of issuance. The applicant shall not utilize this process more than once.

(2) If temporary authorization pursuant to subdivision (e)(1) is issued to an applicant for a license to practice as a physician assistant in this state and if the subsequent decision of the board is to deny the application based upon a good faith determination that the applicant has not, in fact, complied with all the requirements for licensure, then the doctrine of estoppel does not apply against the state based upon its issuance of temporary authorization and its subsequent denial of licensure.

(3) Notwithstanding a law to the contrary, a person serving as a consultant solely for the board of medical examiners' committee on physician assistants, and not for any other board or committee, as of January 1, 2021, may continue to serve as a consultant for the board of physician assistants until such time that the board of physician assistants decides otherwise.

**63-19-106. Authorized services – Collaboration.**

(a)

(1) A physician assistant is authorized to perform selected medical services only in collaboration with a licensed physician.

(2) Collaboration requires active and continuous overview of the physician assistant's activities to ensure that the physician's directions and advice are in fact implemented, but does not require the continuous and constant physical presence of the collaborating physician. The board of medical examiners and board of physician assistants shall adopt regulations governing the collaborating physician's personal review of historical, physical, and therapeutic data contained in the charts of patients examined by the physician assistant. Until the rules are jointly adopted by the board of physician assistants and the board of medical examiners, the rules jointly adopted by the committee on physician assistants and the board of medical examiners in effect as of December 31, 2020, remain in effect.

(3) The range of services that may be provided by a physician assistant must be set forth in a written protocol, jointly developed by the collaborating physician and the physician assistant. The protocol must also contain a discussion of the problems and conditions likely to be encountered by the physician assistant and the appropriate treatment for these problems and conditions. The physician assistant shall maintain the protocol at the physician assistant's practice location and shall make



the protocol available upon request by the board of medical examiners, board of physician assistants, or the authorized agents of the boards.

(4) A physician assistant may perform only those tasks that are within the physician assistant's range of skills and competence, that are within the usual scope of practice of the collaborating physician, and that are consistent with the protection of the health and well-being of the patients.

(5) The physician assistant may render emergency medical service in accordance with guidelines previously established by the collaborating physician pending the arrival of a responsible physician in cases where immediate diagnosis and treatment are necessary to avoid disability or death.

(b) A physician assistant shall, at all times, practice in collaboration with a licensed physician who has control of and responsibility for the services provided by the physician assistant and the duty of assuring that there is a proper collaboration with the physician and that the activities of the physician assistant are otherwise appropriate.

(c) Rules that purport to regulate the collaboration of physician assistants with physicians must be jointly adopted by the board of medical examiners and the board of physician assistants.

(d) A physician assistant practicing in collaboration with a licensed podiatrist:

(1) Shall not provide services that are outside of the scope of practice of a podiatrist as set forth in § 63-3-101;

(2) Shall comply with the requirements of, and rules adopted pursuant to, this section and § 63-19-107 governing the collaboration with a physician assistant; and

(3) May prescribe only drugs that are rational to the practice of podiatry.

**63-19-107. Practices for collaboration with physician assistants.**

A licensed physician collaborating with physician assistants shall comply with the following practices:

(1) More than one (1) physician may collaborate with the same physician assistant; provided, each physician assistant has a primary collaborating physician and may have additional alternate collaborating physicians who collaborate with the physician assistant in the absence or unavailability of the primary collaborating physician. Each physician assistant shall notify the board of physician assistants of the name, address, and license number of the physician assistant's primary collaborating physician and shall notify the board of physician assistants

of a change in the primary collaborating physician within fifteen (15) days of the change. The number of physician assistants for whom a physician may serve as the collaborating physician must be determined by the physician at the practice level, consistent with good medical practice. The collaborating physician shall designate one (1) or more alternate physicians who have agreed to accept the responsibility of collaborating with the physician assistant on a prearranged basis in the collaborating physician's absence;

(2)

(A) In accordance with rules adopted by the board of medical examiners and the board of physician assistants, a collaborating physician may delegate to a physician assistant working in collaboration with the physician the authority to prescribe or issue legend drugs and controlled substances listed in Schedules II, III, IV, and V of title 39, chapter 17, part 4. The rules adopted prior to March 19, 1999, by the board of medical examiners and the committee on physician assistants governing the prescribing of legend drugs by physician assistants remain effective after March 19, 1999, and may be revised from time to time as deemed appropriate by the board of medical examiners and the board of physician assistants. The board of medical examiners and the board of physician assistants may adopt additional rules governing the prescribing of controlled substances by physician assistants. A physician assistant to whom is delegated the authority to prescribe or issue controlled substances must register and comply with all applicable requirements of the drug enforcement administration;

(B)

(i) A physician assistant to whom the authority to prescribe legend drugs and controlled substances has been delegated by the collaborating physician shall file a notice with the board of physician assistants containing the name of the physician assistant, the name of the licensed physician collaborating with the physician assistant who has responsibility for and control of prescription services rendered by the physician assistant, and a copy of the formulary describing the categories of legend drugs and controlled substances to be prescribed or issued, by the physician assistant. The physician assistant is responsible for updating this information;

(ii) Notwithstanding another rule or law, a physician assistant shall not prescribe Schedules II, III, and IV controlled substances unless the prescription is specifically authorized by the formulary or expressly approved after consultation with the collaborating physician before the

initial issuance of the prescription or dispensing of the medication;

(iii) A physician assistant to whom the authority to prescribe controlled drugs has been delegated by the collaborating physician may only prescribe or issue a Schedule II or III opioid listed on the formulary for a maximum of a nonrefillable, thirty-day course of treatment, unless specifically approved after consultation with the collaborating physician before the initial issuance of the prescription or dispensing of the medication. This subdivision (2)(B)(iii) does not apply to prescriptions issued in a hospital, a nursing home licensed under title 68, or inpatient facilities licensed under title 33;

(C) The prescriptive practices of physician assistants and the collaborating physicians with whom the physician assistants are rendering services must be monitored by the board of medical examiners and the board of physician assistants. As used in this section, "monitor" does not include the regulation of the practice of medicine or the regulation of the practice of a physician assistant, but may include site visits by members of the board of medical examiners and the board of physician assistants;

(D) Complaints against physician assistants or collaborating physicians must be reported to the director of the division of health related boards, board of medical examiners, and the board of physician assistants, as appropriate;

(E)

(i) Every prescription order issued by a physician assistant pursuant to this section must be entered in the medical records of the patient and must be written on a preprinted prescription pad bearing the name, address, and telephone number of the collaborating physician and of the physician assistant, and the physician assistant shall sign each prescription order so written. If the preprinted prescription pad contains the names of more than one (1) physician, then the physician assistant shall indicate on the prescription which of those physicians is the physician assistant's primary collaborating physician by placing a checkmark beside or a circle around the name of that physician;

(ii) A handwritten prescription order for a drug prepared by a physician assistant who is authorized by law to prescribe a drug must be legible so that it is comprehensible by the pharmacist who fills the prescription. The handwritten prescription order must contain the name of the prescribing physician assistant,

the name and strength of the drug prescribed, the quantity of the drug prescribed, handwritten in letters or in numerals, instructions for the proper use of the drug and the month and day that the prescription order was issued, recorded in letters or in numerals or a combination thereof. The prescribing physician assistant shall sign the handwritten prescription order on the day it is issued, unless it is a standing order issued in a hospital, a nursing home, or an assisted care living facility as defined in § 68-11-201;

(iii) A typed or computer-generated prescription order for a drug issued by a physician assistant who is authorized by law to prescribe a drug must be legible so that it is comprehensible by the pharmacist who fills the prescription order. The typed or computer-generated prescription order must contain the name of the prescribing physician assistant, the name and strength of the drug prescribed, the quantity of the drug prescribed, recorded in letters or in numerals, instructions for the proper use of the drug, and the month and day that the typed or computer-generated prescription order was issued, recorded in letters or in numerals or a combination thereof. The prescribing physician assistant shall sign the typed or computer-generated prescription order on the day it is issued, unless it is a standing order issued in a hospital, nursing home, or an assisted care living facility as defined in § 68-11-201;

(iv) This section does not prevent a physician assistant from issuing a verbal prescription order;

(v)

(a) Handwritten, typed, or computer-generated prescription orders must be issued on either tamper-resistant prescription paper or printed utilizing a technology that results in a tamper-resistant prescription that meets the current centers for medicare and medicaid service guidance to state medicaid directors regarding § 7002(b) of the federal United States Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 (P.L. 110-28), and meets or exceeds specific TennCare requirements for tamper-resistant prescriptions;

(b) Subdivision (2)(E)(v)(a) does not apply to prescriptions written for inpatients of a hospital, outpatients of a hospital where the doctor or other person authorized to write prescriptions writes the

order into the hospital medical record and then the order is given directly to the hospital pharmacy and the patient never has the opportunity to handle the written order, a nursing home or an assisted care living facility as defined in § 68-11-201, or inpatients or residents of a mental health hospital or residential facility licensed under title 33 or individuals incarcerated in a local, state, or federal correctional facility;

(F) Drugs must not be dispensed by a physician assistant except under the control and responsibility of the collaborating physician;

(G) A physician assistant authorized to prescribe drugs under this subdivision (2), who provides services in a free or reduced fee clinic under the Volunteer Healthcare Services Act, compiled in chapter 6, part 7 of this title, may arrange for required personal review of the physician assistant's charts by a collaborating physician in the office or practice site of the physician or remotely via HIPAA-compliant electronic means rather than at the site of the clinic. For purposes of this subdivision (2)(G), "HIPAA-compliant" means that the entity has implemented technical policies and procedures for electronic information systems that meet the requirements of 45 C.F.R. 164.312;

(H) A physician assistant authorized to prescribe drugs under this subdivision (2), who provides services in a community mental health center as defined in § 33-1-101, may arrange for the required personal review of the physician assistant's charts by a collaborating physician, with the same authority to render prescriptive services that the physician assistant is authorized to render, in the office or practice site of the physician, or the required visit by a collaborating physician to any remote site, or both, via HIPAA-compliant electronic means rather than at the site of the clinic. For purposes of this subdivision (2)(H), "HIPAA-compliant" means that the entity has implemented technical policies and procedures for electronic information systems that meet the requirements of 45 C.F.R. § 164.312;

(3) The patient of a physician receiving services from that physician assistant shall be fully informed that the individual is a physician assistant or a sign must be conspicuously placed within the office of the physician indicating that certain services may be rendered by a physician assistant;

(4) A physician who does not normally provide patient care is not authorized to collaborate with or utilize the services of a physician assistant; and

(5)

(A) A physician assistant shall only perform invasive procedures involving any portion of the spine, spinal cord, sympathetic nerves of the spine, or block of major peripheral nerves of the spine in any setting not licensed under title 68, chapter 11, under the direct supervision of a Tennessee physician licensed pursuant to chapter 6 or 9 of this title who is actively practicing spinal injections and has current privileges to do so at a facility licensed pursuant to title 68, chapter 11. The direct supervision provided by a physician in this subdivision (5)(A) must only be offered by a physician who meets the qualifications established in § 63-6-244(a)(1) or (a)(3) or § 63-9-121(a)(1) or (a)(3);

(B) For purposes of this subdivision (5), "direct supervision" means being physically present in the same building as the physician assistant at the time the invasive procedure is performed; and

(C) This subdivision (5) does not apply to a physician assistant performing major joint injections except sacroiliac injections, or to performing soft tissue injections or epidurals for surgical anesthesia or labor analgesia in unlicensed settings.

**63-19-108. Unprofessional conduct by physician collaborating with a physician assistant.**

When a licensed physician collaborates with a physician assistant or orthopedic physician assistant in a manner that is inconsistent with this chapter, it constitutes grounds for a finding of unprofessional conduct and the physician is subject to disciplinary action by the board of medical examiners in accordance with § 63-6-214, the board of osteopathic examination in accordance with § 63-9-111, or the board of podiatric medical examiners in accordance with § 63-3-119. As used in this section, "disciplinary action" includes, but is not limited to, the discipline described in §§ 63-6-214(a), 63-9-111(a), and 63-3-119(a), and the suspension of privileges to collaborate with a physician assistant or an orthopedic physician assistant.

**63-19-109. Exclusions of limitations on employment.**

This part does not limit the employment arrangement of a physician assistant licensed under this part.

**63-19-110. Grounds for denial, suspension, or revocation of licenses.**

(a) The board has the power to:

(1) Deny an application for a license to an applicant who applies for a license through reciprocity or otherwise;

(2) Permanently or temporarily withhold issuance of a license;

(3) Suspend, limit, or restrict a previously issued license for such time and in such manner as the board may determine;

(4) Reprimand or take such action in relation to disciplining an applicant or licensee, including, but not limited to, informal settlements, private censures and warnings, and issuing civil penalties, as the board in its discretion may deem proper; or

(5) Permanently revoke a license.

(b) The grounds upon which the board shall exercise such power include, but are not limited to:

(1) The conviction of a crime;

(2) Fraud in procuring or attempting to procure a license to practice medicine as a physician assistant;

(3) The commission of unprofessional or unethical conduct;

(4) An addiction to the use of alcohol, narcotics, or other drugs;

(5) Engaging in the inappropriate prescribing, dispensing, or otherwise distributing a controlled substance or other drug in the course of professional practice;

(6) Suspension or revocation of a license in another state for disciplinary reasons; or

(7) Failure to comply with the lawful order or duly promulgated rules of the board.

(c) Upon issuing disciplinary action to a licensee, the board shall notify the board of medical examiners, board of osteopathic examination, or board of podiatry, as appropriate, of the disciplinary action and the licensee's primary collaborating physician of record.

(d) A disciplinary action issued by the board for a violation involving the prescribing, dispensing, or otherwise issuing of controlled substances by a physician assistant must also be approved by the board of medical examiners, and the board shall give notice to the appropriate licensing board of the primary collaborating physician of record.

**63-19-111. Exemptions.**

(a) This part does not:

(1) Modify or supersede any existing laws relating to other paramedical professions or services;

(2) Permit a physician assistant to:

(A) Measure the powers or range of human vision, or determine the refractive state of the human eye or the scope of its functions in general or prescribe or direct the use of ophthalmic lenses or prisms to remedy or relieve defects of vision or muscular anomalies;

(B) Prescribe or fit or adapt contact lenses to or for the human eye; or

(C) Practice chiropractic or to analyze or palpate the articulations of the spinal column for the purposes of giving a spinal adjustment; or

(3) Prohibit a physician assistant from testing visual acuity or performing routine vision screening.

(b) This part does not apply to registered nurses or licensed practical nurses utilized by a physician under § 63-6-204 or § 63-9-113, or to technicians, other assistants, or employees of a physician not rendering services as a physician assistant and who perform delegated tasks in the office of a physician or to students enrolled in physician assistant training programs accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc., or its successor entity.

**63-19-112. Administrative proceedings.**

The board shall conduct all administrative proceedings for disciplinary action against a license holder under this part in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

**63-19-113. Licensure renewal by retired physician assistants.**

A person licensed by the board as a physician assistant who has retired or may retire from practice in this state is not required to biennially renew the person's license as required by this part, if the person files with the board an affidavit on a form to be furnished by the board, which affidavit states the date on which the person retired from practice and any other facts, as the board considers necessary, that tend to verify the retirement. If the person thereafter reengages in practice in this state, then the person must apply for licensure by the board as provided by this part and is not liable for payment of licensure renewal fees that accrued during the period of retirement.



**63-19-114. Use of title "physician assistant" or abbreviation "PA."**

(a) A person who holds a valid license or temporary license from the board has the right to use the title "physician assistant," the abbreviation "PA," or the abbreviation "PA-C." No other person may assume that title or use those abbreviations, or any words, signs, letters, or devices to indicate that the person using them is a physician assistant.

(b) A person who meets the qualifications for licensure under this chapter but does not possess a current license may use the title "PA," "physician assistant," or "PA- C," but may not act or practice as a PA unless licensed under this chapter.

(c) This section does not apply to public accountants or certified public accountants. This section does not prevent a public accountant from using the abbreviation "P.A.".

**63-19-115. Special volunteer license for practice in free health clinic — Exemption from fees — Renewal.**

A physician assistant licensed pursuant to this chapter under a special volunteer license who is a medical practitioner, as defined by § 63-1-201, engaged in practice at a free health clinic is not subject to license fees under this chapter. The board may issue a special volunteer license, as defined in § 63-1-201, to qualified applicants without fee or charge. The license is for a period of two (2) years and may be renewed on a biennial basis.

SECTION 7. Tennessee Code Annotated, Section 63-19-201, is amended by deleting the section and substituting:

(a) Licensed orthopedic physician assistants are under the jurisdiction of the board of physician assistants created by § 63-19-103.

(b) The board of physician assistants has the duty to:

(1) Promulgate, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, all rules that are reasonably necessary for the performance of the duties of orthopedic physician assistants, including, but not limited to, rules that specify the acts and offenses that subject the license holder to disciplinary action by the board pursuant to subdivision (b)(7);

(2) Set fees relative to the examination, licensure, and licensure renewal of orthopedic physician assistants in an amount sufficient to pay all of the expenses of the board, and to establish and collect a late renewal fee from those orthopedic physician assistants who fail to renew their licenses in a timely manner;

(3) Review and approve or reject the qualifications of each applicant for initial licensure as an orthopedic physician assistant;

(4) Biennially review and approve or reject the qualifications of each applicant for biennial licensure renewal. The board shall condition approval for renewal on the receipt of evidence satisfactory to the board of the applicant's successful completion of sixty (60) hours of continuing medical education approved by the American Medical Association or other appropriate professional association. The board may, in its discretion, waive or modify the continuing medical education requirement in cases of retirement, illness, disability, or other undue hardship;

(5) Issue all approved orthopedic physician assistant licenses and renewals;

(6) Collect or receive all fees, fines, and moneys owed pursuant to this part and pay the fees, fines, and moneys into the general fund of the state. For the purpose of implementing subdivision (b)(2), all fees, fines, and moneys collected pursuant to the regulation of orthopedic physician assistants must be so designated; and

(7) Deny, suspend, or revoke the license of, or otherwise discipline by a fine not to exceed five hundred dollars (\$500), or by reprimand, a license holder who is guilty of violating this part or who is guilty of violating the rules of the board promulgated pursuant to subdivision (b)(1). If sanctions are imposed on a licensee pursuant to this subdivision (b)(7), then the licensee may, in addition, be required to pay the actual and reasonable costs of the investigation and prosecution of the case, including the costs incurred and assessed for the time of the prosecuting attorney or attorneys, the investigator or investigators, and any other persons involved in the investigation, prosecution, and hearing of the case. The board may limit, restrict, or impose one (1) or more conditions on a license at the time it is issued, renewed, or reinstated or as a sanction imposed at the conclusion of a disciplinary hearing.

(c) Actions taken under this section are only effective after adoption by majority vote of the members of the board of physician assistants.

(d) For purposes of this part, unless the context requires otherwise, "physician" means a person lawfully licensed to practice orthopedic medicine and surgery pursuant to chapter 6 of this title, or osteopathic medicine pursuant to chapter 9 of this title.

SECTION 8. Tennessee Code Annotated, Section 63-19-202, is amended by deleting the section and substituting:

(a) A person shall not claim to be or function as an orthopedic physician assistant unless the person holds a valid orthopedic physician assistant license issued by the board.

(b) The board shall not license a person as an orthopedic physician assistant or renew the license of an orthopedic physician assistant unless:

(1)

(A) The person is a graduate of an orthopedic physician assistant training program approved by the board;

(B) The person has successfully completed the examination of the National Board for Certification of Orthopedic Physician Assistants; and

(C) The person was performing services as an orthopedic physician assistant in this state on January 1, 2021; or

(2) The person was performing services as an orthopedic physician assistant in this state on or after January 1, 2021, and has been continuously licensed as an orthopedic physician assistant in this state since 1995.

(c) The board may require that an applicant for licensure as an orthopedic physician assistant appear before the board to answer questions regarding the applicant's fitness for licensure.

SECTION 9. Tennessee Code Annotated, Section 68-1-101(a)(8)(O), is amended by deleting "Board of medical examiners' committee on physician assistants" and substituting "Board of physician assistants".

SECTION 10. Tennessee Code Annotated, Section 68-11-222(b)(4), is amended by deleting "Board of medical examiners' committee on physician assistants" and substituting "Board of physician assistants".

SECTION 11. Tennessee Code Annotated, Section 71-5-201(b), is amended by deleting the subsection.

SECTION 12. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 13. Rules promulgated pursuant to this chapter to effectuate the purposes of this act must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 14. This act takes effect upon becoming a law, the public welfare requiring it.

On motion, Health Committee Amendment No. 1 was adopted.

Rep. Ragan moved adoption of Government Operations Committee Amendment No. 1, as House Amendment No. 2, as follows:

**Amendment No. 2**

AMEND House Bill No. 1080 by adding the following as a new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION 14. Notwithstanding §§ 4-29-118 and 4-29-244(b), the board of physician assistants terminates pursuant to Section 2.

On motion, Government Operations Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. J. Sexton moved that **House Bill No. 1080**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	91
Noes.....	0
Present and not voting.....	1

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--91

Representatives present and not voting were: Mannis--1

A motion to reconsider was tabled.

**House Bill No. 1102** -- Expunction - As introduced, extends eligibility for expunction to a person convicted of assault and a person whose criminal conviction was eligible for judicial diversion at the time of sentencing. - Amends TCA Section 40-32-101 and Section 40-35-313. by \*Shaw, \*Hardaway, \*Dixie, \*McKenzie, \*Chism, \*Parkinson, \*Cooper, \*Lamar. (\*SB707 by \*Walley, \*Gilmore, \*Campbell, \*Yarbro)

On motion, House Bill No. 1102 was made to conform with **Senate Bill No. 707**; the Senate Bill was substituted for the House Bill.

Rep. Shaw moved that Senate Bill No. 707 be passed on third and final consideration.

Rep. Curcio moved adoption of Criminal Justice Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 707 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-32-101(g)(1), is amended by adding the following new subdivision:

(F) Notwithstanding subdivision (g)(1)(B) to the contrary, a person who was convicted of a Class A misdemeanor assault offense, under title 39, chapter 13, part 1, if the offense would have been eligible for judicial diversion, pursuant to § 40-35-313, at the time of sentencing.

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it, and applies to petitions filed on or after that date.

On motion, Criminal Justice Committee Amendment No. 1 was adopted.

Rep. Shaw moved that **Senate Bill No. 707**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 90  
Noes ..... 0

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--90

A motion to reconsider was tabled.

**House Bill No. 1267** -- Gaming - As introduced, requires Tennessee education lottery corporation board of directors and sports wagering advisory council to meet jointly for purposes of adopting rules and taking disciplinary action against a licensee. - Amends TCA Title 4; Title 14; Title 38; Title 39; Title 47; Title 49 and Title 67. by \*Gillespie, \*Sexton C, \*Jernigan, \*Powell. (\*SB588 by \*Jackson)

On motion, House Bill No. 1267 was made to conform with **Senate Bill No. 588**; the Senate Bill was substituted for the House Bill.

Rep. Gillespie moved that Senate Bill No. 588 be passed on third and final consideration.

## TUESDAY, MAY 4, 2021 – THIRTY-THIRD LEGISLATIVE DAY

Rep. Keisling moved that State Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Ragan moved adoption of Government Operations Committee Amendment No. 1, as House Amendment No. 2, as follows:

### **Amendment No. 2**

AMEND Senate Bill No. 588 by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 4-51-302, is amended by deleting subdivisions (7), (27), and (28) and substituting instead the following:

(7) "Council" means the sports wagering advisory council;

(27) "Vendor" means a contractor, subcontractor, or independent contractor hired, or contracted with, by the council or a licensee for the purpose of facilitating the business of the council or licensee under this part; and

(28) "Wager" or "bet" means a sum of money that is risked by a bettor on the unknown outcome of one (1) or more sporting events, including, but not limited to, the form of fixed-odds betting, a future bet, live betting, a money line bet, pari-mutuel betting, parlay bet, pools, proposition bet, spread bet, or in any other form or manner as authorized by rule promulgated by the council.

SECTION 2. Tennessee Code Annotated, Section 4-51-304, is amended by deleting the language "corporation" wherever it appears and substituting instead "council", and by deleting subsection (e) and substituting instead:

(e)

(1) Eighty percent (80%) of the privilege tax collected under this section must be distributed by the council to the state treasurer for deposit into the lottery for education account created under § 4-51-111.

(2) Fifteen percent (15%) of the privilege tax collected under this section must be distributed by the council quarterly to the state treasurer for deposit into the general fund, to be remitted quarterly to each local government in this state on a per capita basis, as determined by population based on the last federal census. For purposes of calculating the allocation, the population of counties excludes the population of each municipality within the boundaries of the county. Funds remitted to a local government under this subdivision (e)(2) must be allocated to the county or city general fund, as applicable, to be used for local infrastructure projects, including, without limitation, transportation and road projects and public buildings.

(3) Five percent (5%) of the privilege tax collected under this section must be distributed by the council to the state treasurer and

allocated to the department of mental health and substance abuse services to use in the manner prescribed by § 4-51-319.

SECTION 3. Tennessee Code Annotated, Section 4-51-305(a), is amended by deleting the subsection and substituting instead the following:

(a)

(1) There is created the sports wagering advisory council to enforce this part and supervise compliance with laws relating to the regulation and control of wagering on sporting events in this state.

(2) The council shall hire an executive director to direct and oversee the day-to-day operations and management of sports gaming under this part and other employees as deemed necessary by the council to assist the executive director and carry out the duties of the council. The executive director will be vested with such powers and duties as specified by the council by rule.

(3) The council shall establish the salaries of the executive director and employees hired under this subsection (a) and such executive director and employees serve at the pleasure of the council.

SECTION 4. Tennessee Code Annotated, Section 4-51-305(l), is amended by deleting the language "at the call of the board" and substituting instead "at the call of the chair".

SECTION 5. Tennessee Code Annotated, Section 4-51-305(n), is amended by deleting the subsection and substituting instead the following:

(n)

(1) Meetings of the council are subject to the public meeting requirements prescribed in title 8, chapter 44, part 1; provided, that the council may meet virtually using an internet platform in emergency circumstances in a manner prescribed by rule of the council and in accordance with subdivision (n)(2).

(2) Virtual emergency meetings may only be conducted if the council:

(A) Not less than twenty-four (24) hours prior to the meeting, provides on its website public notice of the meeting;

(B) Provides adequate electronic or other notice to each licensee or permittee with an interest in the meeting, if applicable;

(C) Provides an audio or video feed of the meeting on its website which is accessible to the general public; and

(D) Provides a mechanism by which any licensee or permittee subject to disciplinary action at the meeting, if applicable, has the opportunity to provide testimony and submit evidence to the council members electronically.

(3) Disciplinary action taken against a licensee or permittee at a virtual emergency meeting under this subsection (n) is temporary until the council conducts a full investigative hearing on the matter in accordance with § 4-51-326 not later than five (5) business days after the conclusion of the virtual emergency meeting. If the council does not comply with this subdivision (n)(3), the disciplinary action of the council taken at the virtual emergency meeting is null and void.

(o) The council may from time to time convene an ad hoc advisory committee composed of nonmembers with particular expertise in an area or areas relative to sports gaming to:

(1) Advise the board of best practices with respect to sports wagering;

(2) Provide administrative and technical advice to the board with respect to sports wagering;

(3) Conduct research or perform studies relative to sports wagering; and

(4) Perform any other activities to assist the council in carrying out its duties.

(p) The council may, in its discretion, reimburse members of an ad hoc advisory committee convened under subsection (o) for per diem and travel expenses in accordance with the comprehensive travel rules as promulgated by the department of finance and administration and approved by the attorney general and reporter.

SECTION 6. Tennessee Code Annotated, Section 4-51-306, is amended by deleting from subsection (a) the language "corporation and board" and substituting instead "council"; and is further amended by deleting subsection (b) and substituting instead the following:

(b) The council shall promulgate rules in accordance with this part and the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 7. Tennessee Code Annotated, Sections 4-51-308 and 4-51-309, are amended by deleting the language "board" wherever it appears and substituting instead "council".

SECTION 8. Tennessee Code Annotated, Section 4-51-310, is amended by deleting the language "board" wherever it appears and substituting instead "council".



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SECTION 9. Tennessee Code Annotated, Section 4-51-312, is amended by deleting from subdivision (a)(1) the language ", board, or corporation"; by deleting from subdivision (a)(5) and subsection (b) the language "board" and substituting instead "council"; and by deleting from subsection (c) the language "corporation" wherever it appears and substituting instead "council".

SECTION 10. Tennessee Code Annotated, Section 4-51-314, is amended by deleting the language "board" wherever it appears and substituting instead "council".

SECTION 11. Tennessee Code Annotated, Section 4-51-315, is amended by deleting the language "board," from subsection (a); and by deleting from subsections (b), (d), (e), and (f) the language "board" wherever it appears and substituting instead "council".

SECTION 12. Tennessee Code Annotated, Section 4-51-316, is amended by deleting the language "board" wherever it appears and substituting instead the language "council".

SECTION 13. Tennessee Code Annotated, Section 4-51-317, is amended by deleting the language "board" wherever it appears and substituting instead "council", except in subdivision (b)(1).

SECTION 14. Tennessee Code Annotated, Section 4-51-317(f), is amended by deleting the language "corporation" wherever it appears and substituting instead the language "council".

SECTION 15. Tennessee Code Annotated, Section 4-51-318, is amended by deleting the language "corporation" and "board" wherever the terms appear and substituting instead "council".

SECTION 16. Tennessee Code Annotated, Section 4-51-319, is amended by deleting the language "board" wherever it appears and substituting instead "council".

SECTION 17. Tennessee Code Annotated, Section 4-51-320, is amended by deleting from subdivision (1) the language ", board, or corporation"; and by deleting from subdivisions (5) and (7) the language "board" and substituting instead "council".

SECTION 18. Tennessee Code Annotated, Section 4-51-321, is amended by deleting the language "board" and substituting instead "council".

SECTION 19. Tennessee Code Annotated, Section 4-51-322, is amended by deleting the language "board" wherever it appears and substituting instead "council".

SECTION 20. Tennessee Code Annotated, Section 4-51-323, is amended by deleting the language "Members of the board or designated employees or agents of the corporation may" and substituting instead the language "Members of the council or designated employees or agents of the council may".

SECTION 21. Tennessee Code Annotated, Section 4-51-324, is amended by deleting the language "board" wherever it appears and substituting instead "council", except in subdivision (b)(1).

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SECTION 22. Tennessee Code Annotated, Section 4-51-325, is amended by deleting the language "board" wherever it appears and substituting instead "council".

SECTION 23. Tennessee Code Annotated, Section 4-51-326, is amended by deleting the language "board" wherever it appears and substituting instead "council".

SECTION 24. Tennessee Code Annotated, Section 4-51-327, is amended by deleting the language "board" wherever it appears and substituting instead "council"; and by deleting the language "security personnel of the corporation" and substituting instead "employees of the council".

SECTION 25. Tennessee Code Annotated, Section 4-51-328, is amended by deleting the language "board" wherever it appears and substituting instead the language "council".

SECTION 26. Tennessee Code Annotated, Section 4-51-329, is amended by deleting the language "corporation" wherever it appears and substituting instead the language "council".

SECTION 27. Tennessee Code Annotated, Sections 4-51-301--4-51-306, 4-51-310, 4-51-311, 3-51-313--3-51-319, 3-51-323, 3-51-324, and 3-51-326--3-51-329, are amended by deleting the word "part" wherever it appears and substituting "chapter".

SECTION 28. Tennessee Code Annotated, Section 4-51-325(c), is amended by deleting the language "this part as part" and substituting "this chapter as part".

SECTION 29. Tennessee Code Annotated, Section 4-29-245(a), is amended by adding the following as a new subdivision:

( ) The sports wagering advisory council, created by § 4-51-305;

SECTION 30. The Tennessee Code Commission shall transfer Tennessee Code Annotated, Title 4, Chapter 51, Part 3, to Tennessee Code Annotated, Title 4, Chapter 49, and shall further revise all internal cross-references and citations within the new chapter and throughout Tennessee Code Annotated, consistent with such transfer.

SECTION 31. The appointed members of the Tennessee education lottery corporation sports wagering advisory council, as it existed prior to the effective date of this act, are transferred to the sports wagering advisory council as created by this act, to serve as the initial appointed members of the sports wagering advisory council, and shall serve out their respective terms on such council until that time at which such terms would have expired while members of the Tennessee education lottery corporation sports wagering advisory council.

SECTION 32.

(a) The Tennessee education lottery corporation and its board of directors shall assist and facilitate the transfer of its duties and powers to the sports wagering advisory council beginning on the effective date of this act. Until emergency or permanent rules are adopted under Section 6, existing bylaws

governing sports gaming adopted by the Tennessee education lottery corporation remain in full force and effect.

(b) A license or permit issued by the Tennessee education lottery corporation under Tennessee Code Annotated, Title 4, Chapter 51, Part 3, prior to the effective date of this act remains valid on and after the effective date of this act, and is deemed to be a license or permit issued by the sports wagering advisory council upon the promulgation of emergency or permanent rules by such council under Section 6.

(c) Upon the promulgation of emergency or permanent rules by the sports wagering advisory council under Section 6, the Tennessee education lottery corporation shall transfer all remaining funds collected for the administration of Tennessee Code Annotated, Title 4, Chapter 51, Part 3, to the sports wagering advisory council for the administration of the Tennessee Sports Gaming Act on and after January 1, 2022.

(d) Contracts executed by the Tennessee education lottery corporation under Tennessee Code Annotated, Title 4, Chapter 51, Part 3, prior to the effective date of this act, including, but not limited to, for purposes of regulating sports gaming and providing related services, remain valid on and after the effective date of this act, and are assigned to the sports wagering advisory council upon the promulgation of emergency or permanent rules by such council under Section 6. Such contracts remain in full force and effect until such time as the contracts expire by their original terms, at which time the contracts may be renewed with the sports wagering advisory council at the discretion of the parties.

SECTION 33. This act takes effect upon becoming a law for purposes of promulgating rules and carrying out any administrative duties necessary to effectuate the provisions and intent of this act, the public welfare requiring it. This act takes effect on January 1, 2022, for all other purposes, the public welfare requiring it.

On motion, Government Operations Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Gillespie moved that **Senate Bill No. 588**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	73
Noes.....	13
Present and not voting.....	4

Representatives voting aye were: Alexander, Baum, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Casada, Chism, Clemmons, Cochran, Curcio, Darby, Eldridge, Faison, Farmer, Freeman, Garrett, Gillespie, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lamberth, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Parkinson, Potts, Powell, Ragan, Ramsey, Reedy, Rudder, Russell, Sexton J, Shaw, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Wright, Mr. Speaker Sexton--73

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Representatives voting no were: Cepicky, Crawford, Dixie, Doggett, Grills, Lafferty, Moody, Moon, Ogles, Rudd, Sherrell, Windle, Zachary--13

Representatives present and not voting were: Carringer, Gant, Leatherwood, Powers--4

A motion to reconsider was tabled.

### **REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **Senate Bill No. 588** and have this statement entered in the Journal: Rep. Littleton.

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "aye" to "present and not voting" on **Senate Bill No. 588** and have this statement entered in the Journal: Rep. Haston.

### **SPECIAL ORDER**

Without objection, Rep. Lamberth moved the House to take up the Consent Calendar No. 2, out of order at this time as follows:

#### **CONSENT CALENDAR NO. 2**

**House Resolution No. 110** -- Memorials, Recognition - Rev. Dr. William J. Barber II. by \*Hardaway.

**House Resolution No. 111** -- Memorials, Academic Achievement - Dalton Seals, Valedictorian, Clinch School. by \*Hicks G.

**House Resolution No. 112** -- Memorials, Academic Achievement - Lauraanne Jennings, Salutatorian, Clinch School. by \*Hicks G.

**House Resolution No. 113** -- Memorials, Recognition - Delton Mayberry, Hickman County Assessor of Property. by \*Curcio.

**\*House Joint Resolution No. 622** -- Memorials, Academic Achievement - Davis Duffy, Salutatorian, Zion Christian Academy. by \*Cepicky.

**\*House Joint Resolution No. 623** -- Memorials, Public Service - Representative John DeBerry. by \*Hardaway, \*Faison.

**\*House Joint Resolution No. 624** -- Memorials, Recognition - Deontra Jackson. by \*Hardaway.

**\*House Joint Resolution No. 626** -- Memorials, Recognition - Colonel James C. Harding. by \*Halford, \*Darby.

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**\*House Joint Resolution No. 627** -- Memorials, Academic Achievement - Lauren Elizabeth Burchell, Salutatorian, Ooltewah High School. by \*Carter, \*Howell.

**\*House Joint Resolution No. 628** -- Memorials, Recognition - United Spinal Association, 75th anniversary. by \*Gillespie.

**\*House Joint Resolution No. 629** -- Memorials, Professional Achievement - Judge L. Craig Johnson. by \*Bricken.

**\*House Joint Resolution No. 630** -- Memorials, Academic Achievement - Mackenzie Davis, Salutatorian, Scotts Hill High School. by \*Haston.

**\*House Joint Resolution No. 631** -- Memorials, Academic Achievement - Emma Franklin, Valedictorian, Scotts Hill High School. by \*Haston.

**\*House Joint Resolution No. 632** -- Memorials, Recognition - TJ Ramsey. by \*Terry.

**\*House Joint Resolution No. 633** -- Memorials, Retirement - Judge Joe H. Walker. by \*Hurt, \*Gant, \*Shaw, \*Moody.

**\*House Joint Resolution No. 634** -- Memorials, Death - Shirley I. Stout. by \*Carringer.

**\*House Joint Resolution No. 635** -- Memorials, Public Service - Landon Deel. by \*Baum.

**\*Senate Joint Resolution No. 242** -- Memorials, Recognition - July 3, 2021, Indian Christian Day (Yeshu Bhakti Divas). by \*Reeves.

**\*Senate Joint Resolution No. 692** -- Memorials, Death - Mia LaDonna Myles. by \*Jackson.

**\*Senate Joint Resolution No. 695** -- Memorials, Death - Dorsey Ann Lunsford Lazenby. by \*Walley.

**\*Senate Joint Resolution No. 696** -- Memorials, Recognition - First Baptist Church of Lebanon, 200th anniversary. by \*Pody.

**\*Senate Joint Resolution No. 697** -- Memorials, Personal Occasion - Jerry Clark, 80th birthday. by \*Crowe.

**\*Senate Joint Resolution No. 698** -- Memorials, Academic Achievement - Angelina Singvarapu, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 699** -- Memorials, Academic Achievement - Gibson Young, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 700** -- Memorials, Academic Achievement - Kendall Thirakul, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 701** -- Memorials, Academic Achievement - Samuel Smith, Valedictorian, Oakland High School. by \*Reeves.

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**\*Senate Joint Resolution No. 702** -- Memorials, Academic Achievement - Samuel Schmahl, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 703** -- Memorials, Academic Achievement - Elijah Oliver, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 704** -- Memorials, Academic Achievement - Breanna King, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 705** -- Memorials, Academic Achievement - Julia Jenkins, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 706** -- Memorials, Academic Achievement - Constantia Georgiou, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 707** -- Memorials, Academic Achievement - Lainey Callis, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 708** -- Memorials, Academic Achievement - Lily Anderson, Valedictorian, Oakland High School. by \*Reeves.

**\*Senate Joint Resolution No. 709** -- Memorials, Personal Achievement - Gabriella Marie Kowalski, Eagle Scout. by \*Powers.

**\*Senate Joint Resolution No. 711** -- Memorials, Death - Shirley Ann Cothran. by \*Yarbro.

**\*Senate Joint Resolution No. 712** -- Memorials, Recognition - Kaden Robinson, 2021 Boys & Girls Clubs in Tennessee State Youth of the Year. by \*Briggs.

**\*Senate Joint Resolution No. 713** -- Memorials, Recognition - Hamblen County, 150th anniversary. by \*Southerland.

**\*Senate Joint Resolution No. 714** -- Memorials, Academic Achievement - Alexander Covie Haynes. by \*Johnson.

**\*Senate Joint Resolution No. 715** -- Memorials, Recognition - Warren County Emergency Medical Services. by \*Bowling.

**\*Senate Joint Resolution No. 716** -- Memorials, Academic Achievement - Joshua Bishop Chapman, Valedictorian, Webb School of Knoxville. by \*Massey.

**\*Senate Joint Resolution No. 717** -- Memorials, Academic Achievement - Luke Crawford Hovis, Salutatorian, Webb School of Knoxville. by \*Massey.

**\*Senate Joint Resolution No. 718** -- Memorials, Academic Achievement - Abigayle Smith, Valedictorian, Middleton High School. by \*Walley.

**\*Senate Joint Resolution No. 719** -- Memorials, Academic Achievement - Ian Howell, Salutatorian, Middleton High School. by \*Walley.

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**\*Senate Joint Resolution No. 720** -- Memorials, Professional Achievement - Britney Gulley, 2021 DeKalb Teacher of the Year. by \*Pody.

**\*Senate Joint Resolution No. 721** -- Memorials, Retirement - Dr. Tim Cross. by \*Southerland.

**\*Senate Joint Resolution No. 729** -- Memorials, Recognition - National HealthCare Corporation, 50th anniversary. by \*White, \*Reeves.

**\*Senate Joint Resolution No. 743** -- Memorials, Death - Dr. Matthew Walker III. by \*Gilmore, \*Yarbro.

**OBJECTION--CONSENT CALENDAR**

Objection was filed to the following on the Consent Calendar:

**House Resolution No. 110:** by Rep. Todd

Under the rules, House Resolution No. 110, was placed at the heel of the calendar for May 5, 2021.

Rep. Howell moved that Rep. Carter be listed as First prime sponsor on House Joint Resolution No. 627, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Zachary moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate Joint Resolutions confirming appointments on the Clerk's desk be substituted for House Joint Resolutions confirming the same appointments, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes ..... 90  
Noes..... 0

Representatives voting aye were: Alexander, Baum, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Terry, Thompson, Todd, Towns, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--90

A motion to reconsider was tabled.

**SPECIAL ORDER**

Without objection, Rep. Lamberth moved the House to take up the Message Calendar, out of order at this time as follows:

**MESSAGE CALENDAR**

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 13** -- Public Health - As introduced, prohibits state and local authorities from forcing, requiring, or coercing a person to receive an immunization or vaccination for COVID-19 against the person's will. - Amends TCA Title 4; Title 5; Title 6; Title 7; Title 8; Title 49; Title 50 and Title 68. by \*Hulsey, \*Griffey, \*Cepicky, \*Reedy, \*Weaver, \*Smith, \*Calfee, \*Hall, \*Rudd, \*Grills, \*Lafferty, \*Sherrell, \*Lynn, \*Zachary, \*Cochran, \*Bricken, \*Faison, \*Eldridge, \*Sparks, \*Hicks T, \*Warner, \*Hurt, \*Doggett, \*Todd, \*Moody, \*Keisling, \*Rudder, \*Alexander, \*Holsclaw. (SB187 by \*Bowling, \*White, \*Bell, \*Pody, \*Stevens)

**Senate Amendment No. 1**

AMEND House Bill No. 13 by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 5, Part 1, is amended by adding the following as a new section:

The governor shall not issue an executive order, a state agency or department shall not promulgate a rule, and a political subdivision of this state shall not promulgate, adopt, or enforce an ordinance or resolution, that requires a person to receive an immunization, vaccination, or injection for the SARS-CoV-2 virus or any variant of the SARS-CoV-2 virus.

SECTION 2. Tennessee Code Annotated, Section 49-6-5001(b)(2), is amended by deleting the language "In the absence of an epidemic or immediate threat of an epidemic, this section shall not apply" and substituting the language "Except as provided in subdivision (b)(3), in the absence of an epidemic or immediate threat of an epidemic, this section does not apply".

SECTION 3. Tennessee Code Annotated, Section 49-6-5001(b), is amended by adding the following as a new subdivision:

(3) This section does not apply to an immunization, vaccination, or injection for the SARS-CoV-2 virus or any variant of the SARS-CoV-2 virus.

SECTION 4. Tennessee Code Annotated, Section 68-2-603(f), is amended by deleting the language "In the absence of an epidemic or immediate threat of an epidemic, any person who shall file" and substituting the language "Except as provided in subsection (g), in the absence of an epidemic or immediate threat of an epidemic, any person who files".

SECTION 5. Tennessee Code Annotated, Section 68-2-603, is amended by adding the following as a new subsection:



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(g) This section does not apply to an immunization, vaccination, or injection for the SARS-CoV-2 virus or any variant of the SARS-CoV-2 virus.

SECTION 6. Tennessee Code Annotated, Section 68-5-106, is amended by deleting subsection (a).

SECTION 7. Tennessee Code Annotated, Title 68, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) A state agency or department shall not promulgate a rule, and a political subdivision of this state shall not promulgate, adopt, or enforce an ordinance or resolution, that requires medical treatment for those who object to the medical treatment on religious grounds or by right of conscience.

(b) As used in this section:

(1) "Medical treatment" means an immunization, vaccination, or injection for the SARS-CoV-2 virus or any variant of the SARS-CoV-2 virus; and

(2) "Political subdivision":

(A) Means a local governmental entity, including a city, town, municipality, metropolitan government, county, utility district, school district, public building authority, housing authority, emergency communications district, county board of health, and development district created and existing pursuant to the laws of this state, or an instrumentality of government created by one (1) or more local governmental entities; and

(B) Does not include a governmental entity that is subject to a federal or state statute or rule that prohibits the entity from requiring medical treatment for those who object to the medical treatment on religious grounds or right of conscience.

(c) This section does not apply to public institutions of higher education created pursuant to title 49.

SECTION 8. Tennessee Code Annotated, Section 49-7-124(c)(2), is amended by deleting the language "that vaccination conflicts with the religious tenets and practices of the parent or guardian or, in the case of an adult student, the student" and substituting the language "that vaccination conflicts with the religious tenets and practices of the parent or guardian or, in the case of an adult student, the student, or that the parent or guardian or, in the case of an adult student, the student, objects to the vaccination by right of conscience".

SECTION 9. This act takes effect upon becoming a law, the public welfare requiring it.

**Senate Amendment No. 3**

AMEND House Bill No. 13 by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 5, Part 1, is amended by adding the following as a new section:

The governor shall not issue an executive order, a state agency or department shall not promulgate a rule, and a political subdivision of this state shall not promulgate, adopt, or enforce an ordinance or resolution, that requires a person to receive an immunization, vaccination, or injection for the SARS-CoV-2 virus or any variant of the SARS-CoV-2 virus.

SECTION 2. Tennessee Code Annotated, Section 49-6-5001(b)(2), is amended by deleting the language "In the absence of an epidemic or immediate threat of an epidemic, this section shall not apply" and substituting the language "Except as provided in subdivision (b)(3), in the absence of an epidemic or immediate threat of an epidemic, this section does not apply".

SECTION 3. Tennessee Code Annotated, Section 49-6-5001(b), is amended by adding the following as a new subdivision:

(3) This section does not apply to an immunization, vaccination, or injection for the SARS-CoV-2 virus or any variant of the SARS-CoV-2 virus.

SECTION 4. Tennessee Code Annotated, Section 68-2-603(f), is amended by deleting the language "In the absence of an epidemic or immediate threat of an epidemic, any person who shall file" and substituting the language "Except as provided in subsection (g), in the absence of an epidemic or immediate threat of an epidemic, any person who files".

SECTION 5. Tennessee Code Annotated, Section 68-2-603, is amended by adding the following as a new subsection:

(g) This section does not apply to an immunization, vaccination, or injection for the SARS-CoV-2 virus or any variant of the SARS-CoV-2 virus.

SECTION 6. Tennessee Code Annotated, Section 68-5-106, is amended by deleting subsection (a).

SECTION 7. Tennessee Code Annotated, Title 68, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) A state agency or department shall not promulgate a rule, and a political subdivision of this state shall not promulgate, adopt, or enforce an ordinance or resolution, that requires medical treatment for those who object to the medical treatment on religious grounds or by right of conscience.

(b) As used in this section:

(1) "Medical treatment" means an immunization, vaccination, or injection for the SARS-CoV-2 virus or any variant of the SARS-CoV-2 virus; and

(2) "Political subdivision":

(A) Means a local governmental entity, including a city, town, municipality, metropolitan government, county, utility district, school district, public building authority, housing authority, emergency communications district, county board of health, and development district created and existing pursuant to the laws of this state, or an instrumentality of government created by one (1) or more local governmental entities; and

(B) Does not include a governmental entity that is subject to a federal or state statute or rule that prohibits the entity from requiring medical treatment for those who object to the medical treatment on religious grounds or right of conscience.

(c) This section does not apply to a student of a public institution of higher education created pursuant to title 49, who is subject to the policies or rules of a private office that delivers healthcare services or of a healthcare facility, as defined in § 68-11-201, that is not owned or controlled by the public institution of higher education, when the student is participating in a program of study or fulfilling educational requirements for a program of study in:

(1) Medicine;

(2) Dentistry;

(3) Pharmacy; or

(4) Another healthcare profession.

SECTION 8. This act takes effect upon becoming a law, the public welfare requiring it.

Rep. Keisling moved that the House concur in Senate Amendments Nos. 1 and 3 to **House Bill No. 13**, which motion prevailed by the following vote:

Ayes ..... 83  
Noes ..... 7

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Cochran, Crawford, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart,

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Terry, Todd, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--83

Representatives voting no were: Clemmons, Freeman, Harris, Hodges, Johnson G, Thompson, Towns--7

A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following members desire to change their original stand from "aye" to "no" on the **motion to concur in Senate Amendments Nos. 1 and 3 to House Bill No. 13** and have this statement entered in the Journal: Reps. Miller, Potts, Stewart, Beck, McKenzie, Shaw, Mitchell, Powell, Hakeem and Dixie.

### HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 210** -- Education, Curriculum - As introduced, requires an LEA to publish curriculum implemented pursuant to standards adopted by the state board on the LEA's website; requires the LEA to update the website with any changes made to the curriculum at the beginning of each semester. - Amends TCA Title 49, Chapter 2. by \*Carringer, \*Ragan, \*Weaver, \*Cepicky, \*Hardaway. (SB1147 by \*White)

Rep. Carringer moved that the House non-concur in Senate Amendment No. 1 to **House Bill No. 210**, which motion prevailed.

### HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 511** -- Criminal Offenses - As introduced, limits the punishment a jury can consider for a defendant convicted of first degree murder committed against certain persons engaged in the performance of official duties to death or imprisonment for life without possibility of parole. - Amends TCA Title 39, Chapter 13 and Title 40. by \*Gant, \*Lamberth, \*Faison, \*Terry, \*Grills, \*Todd, \*Moody, \*Curcio, \*Hazlewood, \*Halford, \*Hicks T, \*Crawford, \*Eldridge, \*Weaver, \*Howell, \*Zachary, \*Littleton, \*Cepicky, \*Reedy, \*Holsclaw, \*Doggett, \*Johnson C, \*Hawk, \*Haston, \*Farmer, \*Griffey, \*Carringer, \*Gillespie, \*Rudd, \*Russell, \*Moon, \*Alexander, \*Wright, \*Windle, \*White, \*Hicks G, \*Bricken, \*Sherrell, \*Smith, \*Hurt, \*Whitson, \*Mannis, \*Ragan. (SB841 by \*Johnson, \*Bowling, \*Crowe, \*Jackson, \*Rose, \*Stevens, \*Pody, \*White)

### Senate Amendment No. 2

AMEND House Bill No. 511 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-202(a)(2), is amended by deleting the language "act of terrorism,".

SECTION 2. Tennessee Code Annotated, Section 39-13-202(a), is amended by adding the following as a new subdivision:

(4) A killing of another in the perpetration or attempted perpetration of an act of terrorism in violation of § 39-13-805.

SECTION 3. Tennessee Code Annotated, Section 39-13-202, is amended by deleting subsection (b) and substituting:

(b) No culpable mental state is required for conviction under subdivisions (a)(2) - (4), except the intent to commit the enumerated offenses or acts in those subdivisions.

SECTION 4. Tennessee Code Annotated, Section 39-13-202, is amended by deleting subsection (c) and substituting:

(c)

(1) Except as provided in subdivision (c)(2), a person convicted of first degree murder under subdivisions (a)(1) - (4) shall be punished by:

(A) Death;

(B) Imprisonment for life without possibility of parole; or

(C) Imprisonment for life.

(2) If a person convicted of first degree murder under subdivision (a)(4) was an adult at the time of commission of the offense, then the person shall be punished by:

(A) Death; or

(B) Imprisonment for life without possibility of parole.

SECTION 5. Tennessee Code Annotated, Section 39-13-204(e)(2), is amended by deleting the language "three (3)" and by deleting the second sentence of the subdivision and substituting:

If the defendant has been found guilty of first degree murder as described in § 39-13-202(c)(1), then the jury shall be instructed that a defendant who receives a sentence of imprisonment for life shall not be eligible for parole consideration until the defendant has served at least fifty-one (51) full calendar years of the sentence.

SECTION 6. Tennessee Code Annotated, Section 39-13-204(f)(1), is amended by deleting the language "If the jury unanimously determines" and substituting instead "If the defendant has been found guilty of first degree murder as described in § 39-13-202(c)(1) and the jury unanimously determines".

SECTION 7. Tennessee Code Annotated, Section 39-13-204(f)(2), is amended by deleting the language "If the jury unanimously determines" and substituting instead "Except as provided in subdivision (f)(2)(B), if the jury unanimously determines".

SECTION 8. Tennessee Code Annotated, Section 39-13-204(f), is amended by designating the current subdivision (f)(2) as subdivision (f)(2)(A) and inserting the following new subdivision (f)(2)(B):

(B)

(i) If the defendant has been found guilty of first degree murder as described in § 39-13-202(c)(2) and the jury unanimously determines that no statutory aggravating circumstance has been proven by the state beyond a reasonable doubt, or that a statutory aggravating circumstance or circumstances have been proven by the state beyond a reasonable doubt, but that such circumstance or circumstances have not been proven by the state to outweigh any mitigating circumstance or circumstances beyond a reasonable doubt, then the sentence shall be imprisonment for life without possibility of parole.

(ii) If imprisonment for life without possibility of parole is the sentence of the jury, then the jury shall reduce to writing the finding that no statutory aggravating circumstance or circumstances have been proven by the state beyond a reasonable doubt, or that a statutory aggravating circumstance or circumstances have been proven by the state beyond a reasonable doubt, but that such circumstance or circumstances have not been proven by the state to outweigh any mitigating circumstance or circumstances beyond a reasonable doubt.

(iii) These findings and verdict must be returned to the judge upon a form provided by the court, which may appear substantially as follows:

PUNISHMENT OF IMPRISONMENT FOR LIFE WITHOUT  
POSSIBILITY OF PAROLE

[ ] We, the jury, unanimously agree that no statutory aggravating circumstance or circumstances have been proven by the state beyond a reasonable doubt and that the defendant shall be sentenced to imprisonment for life without possibility of parole.

[ ] We, the jury, unanimously agree that a statutory aggravating circumstance or circumstances have been proven by the state beyond a reasonable doubt, but that such circumstance or circumstances have not been proven by the state to outweigh any mitigating circumstance or circumstances beyond a reasonable doubt and that the defendant shall be sentenced to imprisonment for life without possibility of parole.

/s/ _____	/s/ _____
Jury Foreperson	Juror
/s/ _____	/s/ _____
Juror	Juror
/s/ _____	/s/ _____
Juror	Juror

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/s/ _____	/s/ _____
Juror	Juror
/s/ _____	/s/ _____
Juror	Juror
/s/ _____	/s/ _____
Juror	Juror

SECTION 9. Tennessee Code Annotated, Section 39-13-204(h), is amended by deleting the language "If the jury cannot ultimately agree on punishment," and substituting instead "Except as provided in subdivision (h)(2), if the jury cannot ultimately agree on punishment,".

SECTION 10. Tennessee Code Annotated, Section 39-13-204, is amended by designating the current subsection (h) as subdivision (h)(1) and inserting the following new subdivision (h)(2):

(2) If the defendant has been found guilty of first degree murder as described in § 39-13-202(c)(2), but the jury cannot ultimately agree on punishment, then the trial judge shall inquire of the foreperson of the jury whether the jury is divided over imposing a sentence of death. If the jury is divided over imposing a sentence of death, then the judge shall dismiss the jury and the judge shall impose a sentence of imprisonment for life without possibility of parole. The judge shall not instruct the jury, nor shall the attorneys be permitted to comment at any time to the jury on the effect of the jury's failure to agree on a punishment.

SECTION 11. Tennessee Code Annotated, Section 39-13-204(i), is amended by deleting the language "No death penalty or sentence of imprisonment for life without possibility of parole shall be imposed" and substituting "Except as provided in subdivision (f)(2)(B) and (h)(2), no death penalty or sentence of imprisonment for life without possibility of parole shall be imposed".

SECTION 12. Tennessee Code Annotated, Section 39-13-204(k), is amended by deleting the language "the new trial shall include the possible punishments of death, imprisonment for life without possibility of parole or imprisonment for life" and substituting:

the new trial shall include the possible punishments of death, imprisonment for life without possibility of parole, or, unless the defendant is convicted of first degree murder as described in § 39-13-202(c)(2), imprisonment for life

SECTION 13. Tennessee Code Annotated, Section 39-13-206, is amended by deleting the language "imprisonment for life without possibility of parole or imprisonment for life" wherever it appears and substituting "imprisonment for life without possibility of parole or, if applicable, imprisonment for life".

SECTION 14. Tennessee Code Annotated, Section 39-13-207, is amended by deleting the language "In any first degree murder case" in subsection (a) and substituting "In any first degree murder case as described in § 39-13-202(c)(1)".

SECTION 15. Tennessee Code Annotated, Section 39-13-207(a), is amended by designating the current language as subdivision (a)(1) and adding the following as a new subdivision (a)(2):

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(2) In any first degree murder case as described in § 39-13-202(c)(2) in which the state does not seek the death penalty, if the jury finds the defendant guilty of first degree murder, then a sentencing hearing shall not be conducted as required by § 39-13-204; and the judge shall sentence the defendant to imprisonment for life without the possibility of parole.

SECTION 16. Tennessee Code Annotated, Section 39-13-207(b), is amended by deleting the language "If the jury unanimously determines" and substituting instead "If the defendant has been found guilty of first degree murder as described in § 39-13-202(c)(1) and the jury unanimously determines".

SECTION 17. Tennessee Code Annotated, Section 39-13-207(c), is amended by deleting the language "If the jury unanimously determines" and substituting the language "Except as provided in § 39-13-204(f)(2)(B), if the jury unanimously determines".

SECTION 18. Tennessee Code Annotated, Section 39-13-207(g), is amended by deleting the language "A sentence of imprisonment for life without possibility of parole" and substituting the language "Except as provided in § 39-13-204(f)(2)(B), a sentence of imprisonment for life without possibility of parole".

SECTION 19. Tennessee Code Annotated, Section 39-13-208(b), is amended by deleting the third sentence and substituting:

The notice shall specify that the state intends to seek the sentence of imprisonment for life without possibility of parole and, unless the offense charged is a violation as described in § 39-13-202(c)(2), the notice shall specify the aggravating circumstance or circumstances the state intends to rely upon at a sentencing hearing.

SECTION 20. Tennessee Code Annotated, Section 39-13-805, is amended by deleting subsection (b) and substituting:

(b)

(1) An act of terrorism is a Class A felony.

(2) If the act of terrorism results in the loss of human life, the defendant shall be prosecuted and sentenced for first degree murder, under § 39-13-202, rather than under this section.

SECTION 21. Tennessee Code Annotated, Section 39-13-803(1), is amended by adding the following as a new subdivision:

(D) Serve as a premeditated, politically motivated act of violence, or violence in pursuit of religious, ideological, or social objectives, perpetrated against first responders, including law enforcement officers, correctional officers, department of correction employees, probation or parole officers, paramedics, firefighters, or other emergency medical rescue workers acting in their official capacity, which results in loss of life, in which case it must be prosecuted and sentenced under § 39-13-202;

SECTION 22. This act takes effect July 1, 2021, the public welfare requiring it.



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Rep. Gant moved that the House concur in Senate Amendment No. 2 to **House Bill No. 511**, which motion prevailed by the following vote:

Ayes ..... 90  
Noes ..... 1

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--90

Representatives voting no were: Johnson G--1

A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "aye" to "not voting" on the **motion to concur in Senate Amendment No. 2 on House Bill No. 511** and have this statement entered in the Journal: Rep. Camper.

### HOUSE ACTION ON SENATE MESSAGES

**\*House Bill No. 570** -- Administrative Procedure (UAPA) - As introduced, eliminates the restriction that the government operations committees of the house of representatives and senate may only stay the running of a rule for a period not to exceed 75 days. - Amends TCA Section 4-5-215. by \*Ragan, \*Moon, \*Wright, \*Griffey, \*Terry, \*Smith, \*Howell, \*Moody. (SB1086 by \*Roberts)

### CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 570

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 570 (Senate Bill No. 1086) has met and recommends that all amendments be deleted.

The Committee further recommends that the following amendment be adopted:

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-5-215(b), is amended by deleting the subsection and substituting instead the following:

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Prior to the effective date of a rule, the house of representatives or the senate government operations committee may stay the running of the ninety-day period required by § 4-5-207 for a period of time not to exceed ninety (90) days. If the government operations committee of the house of representatives and senate acting jointly determines that subsequent stays are necessary, then the joint committee may issue consecutive stays, each for an additional ninety (90) day period, so long as such stays do not extend beyond the fifth legislative day of the year following the year in which the rule is filed with the office of the secretary of state. A stay is effective when the respective committee files written notice with the secretary of state, and the respective committee shall specify the length of effectiveness of the stay. Prior to the expiration date of the stay, such stay may be withdrawn by the respective committee. Withdrawal or expiration of the stay reactivates the running of the balance of the ninety-day period that remained upon the date the stay was filed.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

/s/ Senator Mike Bell

/s/ Senator Sara Kyle

/s/ Senator Kerry Roberts

/s/ Representative John Ragan

/s/ Representative Jay Reedy

/s/ Representative John Mark Windle

Rep. Ragan moved that the Report of the Conference Committee on **House Bill No. 570** be adopted and made the action of the house, which motion prevailed by the following vote:

Ayes ..... 91

Noes ..... 0

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--91

A motion to reconsider was tabled.

### HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 1046** -- General Services, Dept. of - As introduced, clarifies that the fiscal review committee must be allowed to review noncompetitive procurement agreements; requires the chief procurement officer to report procurement contracts monthly to the fiscal review committee; revises various other provisions related to procurement of state contracts. - Amends TCA Title 3; Title 4; Title 8; Title 9; Title 12 and Title 49. by \*Zachary, \*Hazlewood. (\*SB993 by \*Gardenhire, \*Powers, \*Yager)

**Senate Amendment No. 1**

AMEND House Bill No. 1046 by deleting Section 6 and substituting instead the following:

SECTION 6. Tennessee Code Annotated, Section 12-4-104, is amended by deleting subsection (a) and substituting instead:

It is an offense for a public employee involved in negotiating a procurement agreement to accept employment with any person or entity with whom the employee dealt in an official capacity on behalf of the state concerning the procurement agreement for a period of twenty-four (24) months from the ending of the procurement agreement or one (1) year immediately following departure from employment as the public officer or employee, whichever occurs first. For purposes of this section, "procurement agreement" means any agreement to procure goods or services, including, but not limited to, a contract or grant, but does not include a contract or grant by a public institution of higher education to procure research or public service-related goods or services.

Rep. Zachary moved that the House concur in Senate Amendment No. 1 to **House Bill No. 1046**, which motion prevailed by the following vote:

Ayes ..... 91  
Noes ..... 0

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--91

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 1268** -- Children's Services, Dept. of - As introduced, increases, from 30 days to 40 days, the minimum time the department may place a child care agency on probation for known and uncorrected violations of laws or regulations governing the child care agency's operation. - Amends TCA Title 37 and Title 39. by \*Littleton, \*Hazlewood, \*Calfee, \*Todd, \*Lynn. (\*SB1145 by \*White, \*Rose, \*Haile, \*Pody)

**Senate Amendment No. 1**

AMEND House Bill No. 1268 by deleting all language after the enacting clause and substituting:

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SECTION 1. Tennessee Code Annotated, Section 37-2-414, is amended by adding the following as a new subsection:

The department of children's services shall notify the appropriate court when the department has knowledge that a foster parent from a kinship placement violated a court order by allowing a child to visit the child's parent within ninety-six (96) hours of the department's knowledge of the information.

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.

Rep. Littleton moved that the House concur in Senate Amendment No. 1 to **House Bill No. 1268**, which motion prevailed by the following vote:

Ayes ..... 90  
Noes ..... 0

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hodges, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Terry, Thompson, Todd, Towns, Travis, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--90

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 1401** -- General Assembly - As introduced, clarifies that members of the general assembly may be reimbursed for mileage when using a personally owned vehicle to travel from the member's home to the seat of government and back in the daily performance of the member's duties regardless of the type of vehicle used; restricts the amount of reimbursement for such travel to the amount a member would receive if the member had traveled by automobile. by \*Cochran, \*Hazlewood. (\*SB1400 by \*Swann)

Rep. Cochran moved that the House concur in Senate Amendment No. 2 to House Bill No. 1401.

**Senate Amendment No. 2**

AMEND House Bill No. 1401 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 3-1-106(c), is amended by designating the existing language as subdivision (1) and adding the following new subdivision (2):

A member shall be paid a mileage allowance per mile pursuant to subdivision (c)(1) when using a personally owned vehicle, regardless of the type of vehicle used. However, if a member uses a personally owned vehicle other than an automobile as the member's mode of transportation, the total amount reimbursed for travel shall not exceed the amount the member would have received if the member had traveled by automobile.

SECTION 2. Tennessee Code Annotated, Section 3-1-106(b)(1), is amended by deleting the subdivision and substituting instead the following:

(1) For each legislative day, which is defined as each day the general assembly, or either house thereof, officially convenes for the transaction of business, or for each day in attendance at any such other meeting as described in subsection (a), each member must be paid an expense allowance:

(A) For meals and incidentals in an amount equal to the allowance granted federal employees for such expenses in the Nashville area; and

(B) For lodging in an amount equal to the higher of:

(i) The annual average hotel rate for the previous calendar year in the Nashville central business district, as provided by the Nashville Convention and Visitors Corporation or their successor organization if obtainable; or

(ii) The allowance granted federal employees for lodging expenses in the Nashville area.

SECTION 3. Tennessee Code Annotated, Section 3-1-106(b)(3), is amended by deleting the following language:

the member shall be reimbursed an expense allowance for lodging equal to the allowance granted federal employees for lodging expense in the Nashville area.

and substituting instead the following:

the member must be reimbursed an expense allowance for lodging in an amount equal to the higher of:

(A) The annual average hotel rate for the previous calendar year in the Nashville central business district, as provided by the Nashville Convention and Visitors Corporation or their successor organization if obtainable; or

(B) The allowance granted federal employees for lodging expenses in the Nashville area.

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SECTION 4. Tennessee Code Annotated, Section 3-1-106(c), is amended by deleting the language "Wednesday or Thursday" and substituting instead the language "Wednesday, Thursday, or Friday".

SECTION 5. Tennessee Code Annotated, Section 3-1-106(f)(1), is amended by deleting the language "one thousand dollars (\$1,000)" and substituting instead "one thousand two hundred fifty dollars (\$1,250)".

SECTION 6. Tennessee Code Annotated, Section 3-1-106(f), is amended by adding the following as a new subdivision:

(3) On the date of the statewide general election in 2024 and on the date of the statewide general election every two (2) years thereafter, the expense allowance established in subdivision (f)(1) must be adjusted to reflect the percentage increase in the average consumer price index (all items-city average), as published by the United States department of labor, bureau of labor statistics, for the two-year period immediately preceding. Each such adjustment under this subdivision (f)(3) must be rounded up to the nearest multiple of one hundred dollars (\$100).

SECTION 7. Tennessee Code Annotated, Section 3-1-106, is amended by deleting subsection (g).

SECTION 8. Section 1 of this act takes effect upon becoming a law, the public welfare requiring it. The remaining sections of this act take effect November 8, 2022, the public welfare requiring it.

Rep. Parkinson moved the previous question, which motion prevailed.

Rep. Cochran moved that the House concur in Senate Amendment No. 2 to **House Bill No. 1401**, which motion prevailed by the following vote:

Ayes ..... 70  
Noes..... 12

Representatives voting aye were: Alexander, Baum, Boyd, Bricken, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Cochran, Crawford, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Gillespie, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Holsclaw, Howell, Hurt, Johnson C, Keisling, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Moody, Moon, Ogles, Parkinson, Potts, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Sexton J, Shaw, Sherrell, Smith, Terry, Todd, Vaughan, Warner, Weaver, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--70

Representatives voting no were: Clemmons, Dixie, Freeman, Hakeem, Hardaway, Harris, Hodges, Johnson G, Mitchell, Powell, Thompson, Windle--12

A motion to reconsider was tabled.

**SPECIAL ORDER**

Without objection, Rep. Lamberth moved the House to take up item no. 3 on Message Calendar No. 2, out of order at this time as follows:

**MESSAGE CALENDAR NO. 2**

**HOUSE ACTION ON SENATE AMENDMENTS**

**Senate Bill No. 623** -- Education, Dept. of - As introduced, requires the commissioner to post, by June 1, 2022, and by June 1 each year thereafter, the number of waivers of average class size limits granted to LEAs to assist the LEAs with funding grow your own programs. - Amends TCA Title 4 and Title 49. by \*Bell. (\*HB580 by \*Ragan, \*White, \*Cepicky, \*Sherrell, \*Smith, \*Darby, \*Zachary, \*Grills, \*Howell, \*Helton, \*Lamberth, \*Rudd, \*Terry, \*Casada, \*Littleton, \*Warner, \*Carr, \*Carringer, \*Griffey, \*Crawford, \*Weaver, \*Bricken, \*Gillespie, \*Wright, \*Rudder, \*Calfee, \*Williams, \*Halford, \*Hicks T, \*Alexander, \*Cochran, \*Russell, \*Moody, \*Hawk, \*Hulsey, \*Todd, \*Sexton J, \*Garrett, \*Moon, \*Holsclaw, \*Doggett, \*Sparks, \*Powers, \*Hurt, \*Reedy, \*Gant, \*Faison, \*Kumar, \*Eldridge, \*Leatherwood, \*Marsh, \*Vaughan, \*Boyd, \*Hall, \*Haston, \*Ogles, \*Lynn)

Rep. Ragan moved that the House refuse to recede from its action in adopting House Amendment No. 2 to **Senate Bill No. 623**, which motion prevailed.

**SPECIAL ORDER**

Without objection, Rep. Lamberth moved the House to take item no. 8 on Message Calendar No. 2, out of order at this time as follows:

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 1171** -- Handgun Permits - As introduced, extends the validity of temporary handgun carry permits issued to persons who have been granted an order of protection from 60 calendar days from the date of issuance to 90 calendar days from the date of issuance. - Amends TCA Title 29; Title 38; Title 39 and Title 40. by \*Terry, \*Grills, \*Smith, \*Sexton J, \*Rudder, \*Farmer, \*Howell, \*Faison, \*Doggett, \*Gant, \*Lamberth, \*Moody, \*Todd, \*Ragan, \*Griffey, \*Hall, \*Weaver, \*Reedy, \*Cepicky, \*Warner, \*Crawford, \*Casada, \*Williams, \*Lafferty, \*Sexton C, \*Darby, \*Powers, \*Littleton, \*Zachary, \*Boyd, \*Hulsey, \*Alexander, \*Johnson C, \*Rudd, \*Eldridge, \*Sparks, \*Holsclaw, \*Curcio, \*Russell, \*Bricken, \*Cochran, \*Hawk, \*Vaughan, \*Lynn, \*Helton, \*Hicks G, \*Marsh, \*Garrett, \*Halford, \*Hicks T, \*Carr, \*Travis, \*Kumar, \*Calfee, \*Baum, \*Wright, \*Sherrell, \*Ramsey, \*Haston, \*Ogles, \*Moon, \*White, \*Mannis. (\*SB1142 by \*White, \*Rose)

Rep. Terry moved that the House non-concur in Senate Amendment No. 2 to **House Bill No. 1171**, which motion prevailed.

**SPECIAL ORDER**

Without objection, Rep. Lamberth moved the House to take item no. 53 on the Regular Calendar, out of order at this time as follows:

REGULAR CALENDAR, CONTINUED

**\*Senate Joint Resolution No. 80** -- Constitutional Amendments - Proposes an amendment to Article I, Section 33 of the Constitution of Tennessee removing the criminal punishment exception from slavery and involuntary servitude prohibition. by \*Akbari, \*Gilmore, \*Campbell, \*Rose, \*Robinson, \*Stevens, \*Walley. (\*Towns, \*Parkinson, \*Johnson G, \*Chism, \*Shaw, \*Hardaway, \*Warner, \*Hakeem)

Senate Joint Resolution No. 80 was previously considered on April 29, 2021 and May 3, 2021, for the first two Constitutional readings.

Rep. Towns requested that the Clerk read Senate Joint Resolution No. 80 for the third and final Constitutional reading, as prescribed by the Constitution of the State of Tennessee.

The Clerk read Senate Joint Resolution No. 80.

Rep. Towns moved that the House concur in Senate Joint Resolution No. 80.

Rep. Shaw moved the previous question, which motion prevailed.

Rep. Towns moved that the House concur in **Senate Joint Resolution No. 80**, which motion prevailed by the following vote:

Ayes .....	81
Noes.....	2
Present and not voting.....	2

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Campbell S, Camper, Carr, Casada, Cepicky, Chism, Clemmons, Cochran, Crawford, Curcio, Darby, Dixie, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Grills, Hakeem, Halford, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Hurt, Jernigan, Johnson C, Johnson G, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Mannis, Marsh, McKenzie, Miller, Mitchell, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Sparks, Stewart, Terry, Thompson, Towns, Vaughan, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--81

Representatives voting no were: Lynn, Todd--2

Representatives present and not voting were: Bricken, Carringer--2

Senate Joint Resolution No. 80, having been read three separate times on three separate days, received a vote in the affirmative by a two-thirds majority of the members elected to the Tennessee House of Representatives of the One Hundred Twelfth General Assembly and was declared concurred in pursuant to Article 11, Section 3 of the Constitution of the State of Tennessee.

A motion to reconsider was tabled.



**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **Senate Joint Resolution No. 80** and have this statement entered in the Journal: Rep. Moody.

**RULES SUSPENDED**

Rep. Powell moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 636 out of order, which motion prevailed.

**\*House Joint Resolution No. 636** -- Memorials, Recognition - Dr. H. Keith Johnson. by \*Powell.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Powell, the resolution was adopted.

A motion to reconsider was tabled.

**BILL WITHDRAWN**

On motion of Rep. Ogles, **House Joint Resolution No. 140** was recalled from the Finance, Ways and Means Committee and withdrawn from the House.

**RULES SUSPENDED**

Rep. Lamberth moved that the rules be suspended in order to allow **House Bills Nos. 112 and 432** to be heard in the Finance, Ways & Means Subcommittee this week, which motion prevailed.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "present and not voting" to "no" on the **motion to re-refer Senate Joint Resolution No. 609 to the Naming and Designating Committee** and have this statement entered in the Journal: Rep. Mannis.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 490** Reps. Smith and Hardaway as prime sponsors.

**House Bill No. 513** Rep. Sherrell as prime sponsor.

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**House Bill No. 1130** Rep. Rudd as prime sponsor.

**House Bill No. 1297** Rep. Hardaway as prime sponsor.

**House Bill No. 1433** Rep. Hardaway as prime sponsor.

**MESSAGE FROM THE SENATE  
May 4, 2021**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 100; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**\*Senate Bill No. 100** -- Human Resources, Department of - As introduced, creates the state as a model employer (SAME) program within the department to ensure certain employment practices in regard to individuals with disabilities. - Amends TCA Title 4 and Title 50 by \*Massey, \*Yarbro, \*Waston, \*Akbari, \*Powers, \*Rose. (HB112 by \*Moody, \*Whitson, \*Doggett, \*Thompson, \*White, \*Howell)

**ENROLLED BILLS  
May 4, 2021**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolutions Nos. 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 502, 504, 506, 507, 508, 509, 510, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 536, 537, 538, 539, 540, 541, 542, 543 and 544; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

**SIGNED  
May 4, 2021**

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 502, 504, 506, 507, 508, 509, 510, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 536, 537, 538, 539, 540, 541, 542, 543 and 544.

GREG GLASS, Chief Engrossing Clerk

**ENROLLED BILLS  
May 4, 2021**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolutions Nos. 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108 and 109; and find same correctly enrolled and ready for the signature of the Speaker.

GREG GLASS, Chief Engrossing Clerk

**TUESDAY, MAY 4, 2021 – THIRTY-THIRD LEGISLATIVE DAY**

**SIGNED  
May 4, 2021**

The Speaker announced that he had signed the following: House Resolutions Nos. 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108 and 109.

GREG GLASS, Chief Engrossing Clerk

**ENGROSSED BILLS  
May 4, 2021**

MR. SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolutions Nos. 622, 623, 624, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635 and 636;

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE GOVERNOR  
May 4, 2021**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bills Nos. 54, 215, 293, 493, 525, 566, 925, 1336, 1353, 1513, 1537, 1558 and 1621; with his approval.

REBECCA KAUNISTO for LANG WISEMAN, Deputy and Counsel to the Governor

**MESSAGE FROM THE GOVERNOR  
May 4, 2021**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bills Nos. 146, 235, 237, 258, 278, 284, 312, 315, 317, 323, 339, 388, 412, 462, 464, 560, 669, 674, 742, 749, 851, 856, 961, 1049, 1069, 1607, 1618, 1622 and 1626; with his approval.

LANG WISEMAN, Deputy and Counsel to the Governor

**ENGROSSED BILLS  
May 4, 2021**

MR. SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bills Nos. 975 and 1080;

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE  
May 4, 2021**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 118; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**TUESDAY, MAY 4, 2021 – THIRTY-THIRD LEGISLATIVE DAY**

**\*Senate Bill No. 118** -- Health Care - As introduced, establishes the medical cannabis commission; requires the commission to study laws and legislation regarding the medical use of cannabis; requires the commission to report findings and recommendations, including proposed legislation on how to best establish an effective, patient-focused medical cannabis program in this state. - Amends TCA Title 4, Chapter 29; Title 4, Chapter 3; Title 38, Chapter 3; Title 39, Chapter 17; Title 43; Title 50; Title 53; Title 63; Title 67 and Title 68. by \*Haile, \*Massey. (HB490 by \*Terry, \*Hodges, \*Ramsey, \*Dixie, \*Smith, \*Hardaway)

**ENGROSSED BILLS  
May 4, 2021**

MR. SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill No. 1039;

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE  
May 4, 2021**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 449; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**\*Senate Bill No. 449** -- Local Education Agencies - As introduced, requires an LEA to allocate prorated daily per pupil state and local funding to an out-of-state residential mental health facility if a student of the LEA is admitted to the facility and certain conditions are met. - Amends TCA Title 49. by \*Bell. (HB713 by \*Hurt, \*Whitson)

**ENGROSSED BILLS  
May 4, 2021**

MR. SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill No. 656;

GREG GLASS, Chief Engrossing Clerk

**ENGROSSED BILLS  
May 4, 2021**

MR. SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bills Nos. 6 and 419;

GREG GLASS, Chief Engrossing Clerk

**TUESDAY, MAY 4, 2021 – THIRTY-THIRD LEGISLATIVE DAY**

**ENGROSSED BILLS  
May 4, 2021**

MR. SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill No. 1132;

GREG GLASS, Chief Engrossing Clerk

**ENGROSSED BILLS  
May 4, 2021**

MR. SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolutions Nos. 572, 573, 574, 575, 576, 577, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619 and 621;

GREG GLASS, Chief Engrossing Clerk

**ENGROSSED BILLS  
May 4, 2021**

MR. SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill No. 1534;

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE  
May 4, 2021**

MR. SPEAKER: I am directed to return to the House, House Bill No. 1534; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE  
May 4, 2021**

MR. SPEAKER: I am directed to return to the House, House Bill No. 374; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**ENGROSSED BILLS  
May 4, 2021**

MR. SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill No. 910;

GREG GLASS, Chief Engrossing Clerk

**TUESDAY, MAY 4, 2021 – THIRTY-THIRD LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE  
May 4, 2021**

MR. SPEAKER: I am directed to return to the House, House Bill No. 910; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE  
May 4, 2021**

MR. SPEAKER: I am directed to return to the House, House Bill No. 902; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE GOVERNOR  
May 4, 2021**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolutions Nos. 416, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433 and 480; with his approval.

REBECCA KAUNISTO for LANG WISEMAN, Deputy and Counsel to the Governor

**MESSAGE FROM THE SENATE  
May 4, 2021**

MR. SPEAKER: I am directed to return to the House, House Bill No. 888; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE  
May 4, 2021**

MR. SPEAKER: I am directed to return to the House, House Bill No. 767; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**SIGNED  
May 4, 2021**

The Speaker announced that he had signed the following: Senate Bills Nos. 46, 102, 137, 161, 252, 331, 354, 448, 486, 972, 1035, 1343, 1392 and 1437. Senate Joint Resolution No. 2.

TAMMY LETZLER, Chief Clerk

**TUESDAY, MAY 4, 2021 – THIRTY-THIRD LEGISLATIVE DAY**

**ENGROSSED BILLS  
May 4, 2021**

MR. SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill No. 1398;

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE  
May 4, 2021**

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 478, 481, 482, 483, 484, 485, 486, 487, 488 and 489; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**REPORT OF CHIEF ENGROSSING CLERK  
May 4, 2021**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 25, 79, 201, 212, 240, 241, 368, 471, 505, 534, 559, 670, 682, 723, 771, 784, 785, 841, 926, 1016, 1062, 1178, 1187, 1204, 1233, 1373, 1481, 1514, 1578 and 1609; House Joint Resolutions Nos. 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 478, 481, 482, 483, 484, 485, 486, 487, 488 and 489; for his action.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE  
May 4, 2021**

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 74, 129, 159, 202, 322, 358, 488, 542, 556, 779, 1011, 1042, 1286, 1303, 1377, 1338 and 1538; substituted for Senate Bills on same subject and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE  
May 4, 2021**

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 12, 512, 573, 619, 777, 830, 870, 874, 1131, 1145, 1182, 1186, 1254, 1351, 1437, 1619, 1624 and 1629; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**TUESDAY, MAY 4, 2021 – THIRTY-THIRD LEGISLATIVE DAY**

**ENGROSSED BILLS  
May 4, 2021**

MR. SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bills Nos. 430, 744, 869, 948, 1047 and 1593;

GREG GLASS, Chief Engrossing Clerk

**RECESS**

On motion of Rep. Gant, the House stood in recess until 11:30 am, Wednesday, May 5, 2021.